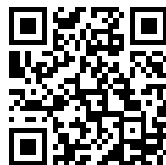


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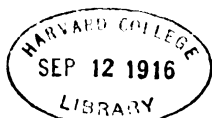
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The Roots of Liberal Theology.

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## THE CATHOLIC CHURCH IN 1906

**T**HE year 1906 has come and gone ; and despite all speculations to the contrary, the political peace of Europe has been steadily maintained. True indeed at one time the relations between Germany and France were strained to the uttermost, but the conference of Algeciras averted a struggle ; again, the Sultan seemed anxious to put the fortunes of his nation to the test, but on the mobilization of the English fleet his warlike humour was not long in disappearing ; Austria and Hungary seemed daily awaiting the close of the protracted conferences and the issue of the ultimatum, when suddenly the scene changed, the Emperor Francis Joseph saved the situation, and the representatives of the two nations fell upon each others' necks in the Imperial presence ; while, finally, the wild revolutionary movement in Russia, exaggerated a hundred-fold as it was by interested political agents and correspondents, has suddenly collapsed, and the new Parliament may bring peace to the realms of the Czar.

But the political peace of Europe has not meant peace for the Church or for the Pope. Not for the last quarter of a century has the Holy See found itself confronted with so difficult or so complex problems as those which have engaged its attention during the year that has drawn to a close. The movements from within the Church itself have been almost as great a source of anxiety to the Holy Father as the attacks from without. The situation in

France would have been enough to engross the attention of the ablest Pontiff ; but when are added to that the developments of Liberalism in Catholic ranks, the open disobedience of the extreme Christian Democrats in Italy, the threatened conflict with the new Ministry in Spain, the anxieties of the English Education struggle, the Prussian School law, the Polish Language question, not to speak of the uneasiness caused by the situation in Portugal, Mexico, and some of the South American Republics, the Catholic world can realize how difficult is the position of the successor of St. Peter, and how much he requires their sympathy and their prayers.

And first, this progressive movement within the Church itself. What is it, and how has it manifested its existence ? To the former of these questions, on account of the many and diverse views of those who are commonly grouped together under the flag of Liberalism, it is not easy to give a brief reply. Some of the party are not satisfied with the traditional apologetics of the Church, or with the current explanations of her definitive utterances ; others think that she is too political in her action for a spiritual society, and turn their eyes with longing towards the ages of Apostolic simplicity ; not a few are of the opinion that too much attention is being paid to externals and accidentals, and the real religion—the union of the soul with God—is being neglected ; while the authority and the centralization of the Church is, for others, a subject of endless complaint. These views have made themselves felt in France for years, and have gained many adherents. In Italy, too—even in Rome—to a slight extent in Germany, in England, and in other portions of the English-speaking world, supporters and sympathisers have not been wanting. The condemnations of the Index, the Papal letter to the Italian seminaries, the resignation of professors in different schools of the Continent, are evidences of the uneasiness caused by recent developments.

Now, what is to be said of such a movement ? Should we conclude that its leaders are the harbingers of the last days, when as it has been foretold even the faith of the just

will be put to the severest test ; and that nothing remains for us but to throw up our hands in despair and calmly await the threatened destruction ? Nothing of the kind. The leaders of the new intellectual movement are, in general—whatever may be said of individuals—as loyal sons of the Church, to say the least of it, as those who light-heartedly undertake to stone them. They realize that Catholic thought is being steadily banished from the universities and the intellectual life of Europe, and that if the Church is not to lose her influence on the learned world, she must abandon her merely defensive operations, and boldly take the field. Their action is only a visible sign of the great intellectual resurrection within the ranks of Catholicism, the consequences of which it is hard to forecast. In any such transformation stage, prudence, vigilance, and moderation are required, but not universal condemnation or despair. That in such times daring spirits may advance too quickly or too far, is only what might be expected ; but that the whole movement should be condemned for the excesses of individuals would be as unreasonable as it might be imprudent.

Nor, on the other hand, can it be reasonably maintained that the authorities of the Catholic Church are determined to stifle free discussion. We can here point to only a few recent events as a sufficient refutation of such a charge—to Dr. Künstle's book on the Priscillian origin of the famous text of the ' Three Witnesses,' published with the imprimatur of his Archbishop, to the works of Delahaye and Gunther on the legends of the saints, to the studies of M. Chevalier on the Holy House of Loretto, issued with the permission of the Master of the Sacred Palace, and, finally, to the letter of Pius X himself to the learned French bishop, Mgr. Le Camus, in which he reproves those who have not the courage to abandon ' the exegesis of yesterday.' Face to face with new views the authorities of the Church require to be vigilant, but to-day, as often before, they have shown that they can be also appreciative and tolerant. The non-Catholic reviewers and newspaper correspondents in these countries, who have

raised such a lamentation over the fate of Fogazzaro's *Il Santo*, should have remembered that within the past year the Protestants, too, have had their *Il Santo* in the *Hilligenlei* of Herr Frenssen, except that its author had not one-eighth the brains and none of the Christianity of Fogazzaro ; and that the attitude of the Roman Congregation towards the Italian author could not for a moment be compared with the howl of execration sent up by the German ecclesiastics against one of their own brethren.

In Italy there are unmistakable signs of a great Catholic revival. The movement is not confined to any particular department, but is making itself felt in Scripture and Literature, as well as in social union and politics. The entrance of the Catholics into the public life of Italy cannot fail to have a beneficial effect both on themselves and upon the Government ; though it must be confessed that the efforts for the organization of the Catholic forces have not been so successful as might reasonably have been anticipated. According to the instructions of Pius X the diocese was to be the unit, and each diocesan organization was to be placed under the supervision of the bishop. This arrangement did not meet with the approval of the younger party among the Christian Democrats ; and as a result the ugly quarrel which the Papal letter was meant to allay has, if anything, been embittered, nor is there any sign at the present time that a peaceful solution will soon be found.

Last December the Separation Law was passed in France, but a year of grace was to intervene before the main clauses should take effect. The Radical Bloc having won an easy victory in Paris, imagined they would have little difficulty in crushing the opposition of Rome. They did not condescend to even notify the Pope that the Concordat was overthrown and the Separation Law decreed. The French Government boasted that it meant to rule France without any interference or dictation from outsiders.

But Pius X was not so easily put aside. After two months of careful consideration he made his first solemn pronouncement in a Pastoral to the French Bishops, in

which in strong yet dignified language he pointed out the history and injustice of the Separation Law, and declared that as Pastor of the Church he must repudiate it and condemn it. This should have been a warning to the Government that the Pope was determined to resist further aggressions, but they refused to interpret his action in that light. They believed that the Encyclical was but an empty threat, and that the Pope never meant to bid them defiance.

Meanwhile both parties looked forward to the general election in May—the Radicals with the confidence that their party would be returned with an increased majority, the others in the hope that even at the last moment the conscience of Catholic France would be awakened, and a re-adjustment of parties secured. It was a vain expectation as the event showed. The Moderates, instead of strengthening their hold upon the country, actually lost ground, and their opponents returned flushed with victory, vowing in their public meetings and private assemblies that now at last Catholicity and Christianity must soon disappear.

It was in such circumstances that the Bishops of France met in solemn conclave to discuss the momentous question; Should they, or should they not, accept the Associations of Worship? Their position was an extremely difficult one; and to make it more difficult still, they were confronted with the circular of a number of distinguished laymen, most of them Members of the French Academy, and all of them good Catholics, urging them to make the most of the Law, and to tolerate the Associations. Were they to yield, the divine organization of the Church was imperilled and the possibilities of a disastrous schism were only too apparent; were they to refuse, the ecclesiastical property, the cathedrals, churches, seminaries, and presbyteries would pass into the hands of the State, the pensions of the clergy would be suppressed, even Catholic worship might be declared illegal, and they themselves and their priests reduced to starvation. It was a trying situation, but the French Bishops rose to the occasion, and showed a

resolution and a courage worthy of the best traditions of their Church. Almost unanimously they condemned the Associations of Worship contemplated by the Law, as opposed to the constitution of the Church, though the majority were of the opinion that to prevent the confiscation of ecclesiastical property an attempt should be made to form other associations in conformity with Canon Law and which the Government might be induced to accept. Their decisions were carried by a special messenger to Rome, and the matter submitted to the final judgment of the Holy See.

The Pope fully recognized the awful responsibility of his position, and the momentous consequences of his decision. Though convinced of the injustice of the Law, he resolved to give it every consideration. The opinions of the ablest canonists, as well as the views of those best acquainted with the situation in France were sought for and obtained; the possibility of reconciling the Associations of Worship with the doctrines and discipline of the Catholic Church was fully discussed and negatived; and it was only when it was evident that no other solution could be found, that the Pope addressed to the Archbishops and Bishops of France, the memorable Encyclical, *Gravissimo officii munere*. He condemned the Associations of Worship as contemplated by the Law of Separation, and with regard to the other kind of associations proposed by the French Bishops, he prohibited their formation, because while the Law remained what it was—and there was no hope of a change—they could not exist without prejudice to the divine organization of the Church.

Many people—from some of whom better things might have been expected—have ventured to criticise and to question the wisdom of the Papal decision. But what other course was open to the Pope? What would have been the result if he had weakly yielded? The Associations were to be composed, for the greater part, of laymen, many of whom might never have crossed the threshold of a church since the day of their baptism or First Communion—Freemasons, secret infidels or anti-clerics; they would have

had under their control not only the entire ecclesiastical property, but also the regulation of public worship and the course of studies and discipline of the ecclesiastical seminaries ; they were entirely independent of their priest or bishop, and responsible for their administration only to the secular authorities ; and, lastly, if disputes arose between rival associations, or between the associations and the bishops, the final decision rested not with the Pope, or with an ecclesiastical tribunal, but with the Council of State. By the formation of such societies, hedged in by so many petty restrictions and possible illegalities, the French Church would have been slowly strangled to death, that is, if it were not immediately plunged into schism. Unless the Pope, then, were false to his most solemn obligations, and prepared to barter the divine rights of the Hierarchy, he could adopt no other course. It is a pity, in such circumstances, that the English Protestant papers could not have for once thrown aside their anti-Papal prejudices, and recognized that the Pope in his dealings with the French Republic was fighting not alone the battle of Catholicity, but of our common Christianity.

The Papal Encyclical, though its tenor might have been expected, came as a shock upon the Ministers in France. They had convinced themselves, possibly on account of the past forbearance of the Papacy, that Pius X would shrink from a conflict with such a powerful party. They had boasted that, whatever might be the decision of Rome, the Law must be enforced, and the churches, if necessary, closed. Now they began to waver before the terrible consequences which might ensue if an attempt were made to interfere with the form of worship of the majority of the nation. The passing of the Law was easy enough, but its application was not a thing to be lightly undertaken. They looked to the French Bishops and clergy and Catholic people to assist them in their difficulties ; and it is no secret that they counted upon some defections even in the ranks of the Hierarchy.

But their hopes were quickly disappointed. The Bishops met in September, and a pastoral letter signed by

every single member of the Hierarchy was issued to the Catholic people of France, announcing their thorough agreement with the instructions of the Pope, and forbidding the formation of the Associations of Worship. Even the Catholic laymen who had signed the circular to the Bishops were not unmindful of their duties towards the sovereign Pontiff, and their leader, the late distinguished writer M. Brunetière, was amongst the first to declare that no other course except submission was open to a loyal Catholic.

M. des Houx, at present a member of the *Matin* staff, and a few associates of a similar character, did indeed attempt to raise the flag of revolt, and their action was immediately trumpeted through the Press of Europe as the first disastrous consequence of the Papal obstinacy. But in France few were inclined to regard their movement as aught else but an ill-timed joke. Here and there a few adherents were found, some dozen or two Associations, the members of which could barely tell where the nearest church stood, were formed; and, of course, in such a large body of ecclesiastics it could hardly be expected that individuals would not be found who, having cast off the yoke of episcopal authority, would be willing to lend a hand in any undertaking likely to discredit religion. But, on the whole, the movement has had little success, and even M. Briand himself could refer to it only with contempt.

Disappointed in their hopes of a schism, and finding themselves face to face with the condemnation of Rome, the Government hesitates before giving the order to close the churches, or suspend public worship. In the latest circular the churches are not to be closed, provided the clergy notify the authorities that they intend to hold religious service. This is in accordance with the Law of 1881, regulating meetings and assemblies, but M. Briand has graciously modified it so that instead of the notice to be given for each individual meeting in accordance with the strict terms of the Bill, one general notification will suffice for the year. But if the churches are to be kept open, the seminaries, presbyteries, and episcopal residences are to

be seized. The houses of the bishops and priests may be bought or rented, but the seminaries are to remain the property of the Commune, and are to be closed against clerical students. In other words while the Government feared to plunge France into civil war by immediately closing the churches, they counted upon the indifference and indolence of the French Catholics to secure the same result indirectly by cutting off the supply of French clergy. Of what advantage is it that the churches should remain open if there are no clergymen to minister in them?

But the Pope is determined that France must understand the issues at stake. In reply to the circular of M. Briand he has forbidden the bishops and clergy to furnish the notification about public worship as required by the Law of 1881. They are to continue to minister after the expiration of the period of grace as if nothing has occurred. The Government accepted this order of the Pope as a declaration of war. The Nunciature in Paris was surrounded, the papers of the unofficial Secretary were seized, and he himself conveyed across the frontier. How courageous the French Government has shown itself towards the Vatican compared with its cowardly cringing before England or Germany in connexion with Fashoda and Morocco! What the issues of the conflict may be no man can with certainty foretell. One thing alone is certain, and that is that the Pope has made a courageous stand in defence of the liberties of the Church. He has shown the French clergy and Catholics a noble example, and it is for them now to make it clear that they are not unworthy of such a leader.

But, as if the conflict with France were not enough, Spain now threatens to follow in the wake of the Third Republic. No doubt the reports about the difficulties between the Vatican and Spain have been grossly exaggerated by a hostile Press, but still it is useless to deny that there is danger ahead, which can only be averted by a little self-restraint and concession on both sides. We shall endeavour to briefly sketch the facts without introducing any comments of our own. Spain has a Catholic

population of over eighteen millions, while the non-Catholics, including Jews, Protestants, Rationalists, etc., scarcely number twenty-five thousand. Its relations with the Vatican are regulated by the Concordat of 1851, modified in 1859, and later during the Nunciature of Cardinal Rampolla. Besides this a *conventio* referring specially to the religious Orders was negotiated in 1902, with which we shall deal in a moment.

Difficulties have arisen during the last few years, but so long as the Conservative party, under Señor Maura, were in office, or even the Liberal party, under the leadership of Señor Sagasta, there was no danger of a serious conflict. But in the recent elections the Conservatives suffered a bad defeat, and the Liberals returning to office—Sagasta being dead—were led by men like Moret, who were less respectful of the rights of the Church. It was not long till difficulties began to arise. They are chiefly in connexion with four subjects: civil marriage, cemeteries, the toleration of non-Catholic worship, and the religious Orders. According to the interpretation of the laws in force, civil marriage was recognized only for those who were prepared to make a declaration that they were not Catholics. Thus, practically speaking, civil marriage was allowable only to non-Catholics, for even the most lukewarm child of the Church was slow to declare before the registrar that he had ceased to be a Catholic. Count Romanones, Minister of Justice, recently announced that such a preliminary was unnecessary, and that for the future civil marriage, whether of Catholics or non-Catholics, would be regarded by the State as sufficient and valid. The Bishops protested vigorously against such an innovation, and more especially the Bishop of Tuy, the style of whose pastoral would hardly be defended even by his warmest admirers. Proceedings were instituted against him, but Rome quickly interfered, and requested the Bishop not indeed to withdraw the substance, but to explain the heated passages of his circular. There is not much fear but that a little moderation and prudence will bring about a *modus vivendi* between the Vatican and Spain on this question of civil marriage.

Nor is there any serious difficulties about the two questions, the toleration of non-Catholic worship or the ownership of cemeteries. Till the present time only Catholic worship was allowed ; the private celebration of all other forms of religious service being permitted. Now there is question of proclaiming a general toleration, and on this point, too, whatever about ideals, Rome will certainly not provoke a breach

But the last point, namely the religious Orders, is the most serious of all. According to Article 29 of the Concordat of 1851, only three religious Orders of men are recognized—the Lazarists, the Oratorians, and one other to be determined either by the Pope and Spain, or by the individual bishops for their diocese. Now, in spite of that article there are to-day in Spain about 529 religious communities, containing nearly 11,000 members, not to speak of the 2,500 convents with a membership of over 40,000. What is to be the attitude of the State with regard to the non-legalized religious Orders ?

In 1902, Señor Sagasta submitted a project to the Holy See, by which the Concordat of 1851 would be rigidly enforced, and the religious Orders not covered by it placed under a particular law of associations, which he undertook to prepare. Before anything final could be done Sagasta died, and the Conservatives, under the leadership of Maura, undertook the Government. Señor Maura continued the work of his predecessor, and a *conventio* was drawn up by which the non-authorized Orders should be tolerated under the clause of the Concordat, guaranteeing the free exercise of the Catholic religion, but they should be subject to the common law. The Senate ratified the *conventio* but when it was put before the Cortes it was rejected.

The Liberals returning to power in 1905, are split up into different sections, under different leaders, with different programmes. But on one thing they seem to be united, namely, on the necessity of reducing the numbers and influence and wealth of the religious Orders. They have presented a Bill on Associations, which in many points resembles the Law of Associations by which the present

irreligious war was begun in France. We do not know what may be the result, but from the brief sketch just given it may be seen that this subject, too, is evidently one for compromise, and we believe that the Holy See would not assume a *non possumus* attitude towards moderate demands of the Spanish Government.

In Prussia, perhaps, the most important event of the year, from the religious point of view, was the new Prussian law on Primary Education. The main provisions of the law cannot fail to interest readers in these countries, at a time when such an interest is being displayed on the question of religion in education. For a long time past denominational schools have been the rule in Prussia, and the undenominational were the exception; so much so, that putting aside Posen, Nassau, and West Prussia, out of 25,000 school districts and 31,000 schools only thirty school districts could boast of undenominational primary schools. In Posen there is only a small per-centage (169 in all) undenominational; it is a little higher for West Prussia (403 in all), but in Nassau, out of 780 schools, 697 are classed as denominational.

Now, according to the new law, the denominational school is to be legally recognized as the rule, and no denominational school at present existing can be henceforth changed into an undenominational one; nor in places where a denominational school is now recognized can an undenominational one be established, except for special reasons which were of such an extraordinary character that no description or example of them could be found for insertion in the law.

Besides, special protection is guaranteed to the religious minorities. In places where such a religious minority exists, if the number of school-going children be sixty, or over, they can demand the foundation of a separate school, to be supported at the public cost. The Centre Party fought hard for the reduction of the qualifying number, but even as it stands it is a great advance on past legislation. No doubt the Catholics have not got all they desired; they have had to make certain concessions to the other side, for the law

is essentially a law of compromise ; everything is not as definitely regulated as we could wish, but taking it all in all, it sets an example which might well be imitated, and it demonstrates the friendly attitude of the most progressive nation in Europe towards the principle of religious education. No wonder that the representative of the Centre Party, on presenting himself before the Catholic Congress at Essen to give an account of the efforts of his comrades, was greeted with the warmest applause.

In Belgium, despite all prognostications to the contrary, the Catholic party still holds the reins of government. Their opponents were loudly proclaiming that at the next turn of the ballot the 'clerical' majority would finally disappear ; and to be honest, not a few Catholics were of the same opinion. The proposals for the fortifications of Antwerp had aroused a good deal of dissatisfaction in the country, and had put the loyalty of some of their supporters to too severe a strain ; nor was this feeling improved when King Leopold personally interfered in a public speech against the opponents of the measure. His ill-timed and imprudent remarks only served to strengthen the opposition and to increase the difficulties of the Catholic party. Yet in spite of these causes for disagreement, when, according to the Constitution of Belgium, one half the Chamber of Deputies presented themselves for re-election before their constituents in May, the Catholic party, though diminished in numbers, retained a substantial majority. The reduction of their numbers ought to be a lesson to them not to embark on important legislation without the approval of their supporters, however high the quarter from which pressure may be brought upon them.

The question of the Congo 'atrocities' has been much discussed in connexion with Belgian affairs during the past few years. The ignorance of most of the newspaper correspondents and reviewers about the true situation in Congo is only equalled by their bigotry and national prejudice. By the decisions of the Congress of Berlin Congo was recognized as an independent state, and placed under the sovereignty of Leopold II, King of the Belgians.

The union with Belgium is, therefore, for the present, only a personal union, though the King, by a will of 1889, has bequeathed his rights in Congo to the Belgian nation. It has a population of thirty million people, exclusive of the foreigners, and is rich especially in its exportation of rubber. In the year 1902, for example, the value of the exports in this article alone amounted to nearly forty-two million francs. Immense sums have been spent by the King and the Government of Belgium during the last twenty years in developing the resources of Congo, in constructing railways, and in organizing a regular transport service. But, unfortunately for Belgium, Congo lies on the borders of the newly-acquired English states in South Africa; and its commercial value as a colony has excited the greed of the English traders, now that they have grabbed the South African gold mines. Besides, it would come in convenient for the construction of a railway between England's territories in South Africa and in Egypt.

In addition to this the English missionaries were jealous of certain concessions made by the Belgian Government to the Catholic religious Orders. Belgium naturally favours her own children, who are more likely to develop Belgian influence, and strengthen Belgium's hold on the country, than the subjects of a competing power. Keeping these two facts, then, well in mind—the commercial greed of England and the dissatisfaction of the Protestant missionaries—it is not difficult to understand the well-organized campaign in the Press and on the platform that has been going on for the past two or three years against the 'atrocities' of the Congo Free State. We do not, however, mean to contend that everything was perfect in the administration of the Congo, or that things did not happen there which must be condemned by every honest man. The Report of the Commission of Inquiry would give the lie to any such assertion. But we do say that things were never one-eighth so bad as they were painted in the English Press, and that in recent years, more especially since the publication of the Commission report, sufficient steps have been taken to prevent the repetition of such abuses.

Besides, those who are themselves responsible for such a state of affairs in Africa as the Chinese Labour Report would seem to indicate, should at least set their own house in order before undertaking to assist their neighbour. The German African scandals are well known, but then Germany does not set herself before the world as the upholder of truth and the defender of the oppressed.

In Switzerland, though at some of the elections the Catholic union with other parties was not so successful as it might have been, yet on the whole the Catholic position continues to be most encouraging. In imitation of their German brethren they established last year a Swiss Catholic Congress, which held its first meeting in Lucerne. This year Fribourg was selected for the assembly, and despite the inconveniences of its situation, over twenty thousand people assembled from all the Cantons of Switzerland. Questions of interest to Catholics, education, public morality, social organization and literature, were discussed; and it is significant of the liberal spirit of the Congress that some of the Protestant papers declared that Protestants might have taken part in the deliberations, not only without danger of offence, but with feelings of joy and enthusiasm.

The scheme drawn up by M. Henri Fazy for the separation of Church and State in the Canton of Geneva will be of interest to our readers in view of the war going on in France. Geneva was the home of Calvinism, and yet, according to the statistics of 1905, the Calvinist population of the Canton is only 64,237, while the number of Catholics reaches the total of 75,491. The 'National Church,' or Old Catholic Party, can boast of only 200 members. Since 1870 the Catholics, though supporting the budget for Public Worship, were allowed no help from the State, so that besides supporting their own religion they had to contribute to the upkeep of the Protestant and Old Catholic Churches. But, according to this scheme of separation, all religions will be placed upon an equality, and will receive no assistance from the State. They are allowed full freedom, and may organize themselves as they please. The Catholics are naturally delighted with such a solution, since it relieves

them from taxation for the upkeep of the religious worship of the sects, and secures to them the magnificent church of Ste. Marie, which has been in the hands of the Old Catholics for the past thirty years.

In Austria the difficulties with the other member of the Dual Monarchy, which threatened to lead to civil war, have been settled for the present. The new law on the electoral reform seems to completely engage public attention during the last few months. Whether it will seriously affect Church interests or not we cannot forecast, but at any rate, the Catholic party are confident that it will improve their position. During the last few years the Austrian Catholics have imitated the example of their brethren in Germany, and with unexpected results. For example, during the year an agitation was being organized in favour of divorce, and petitions were being hawked around in favour of some such legislation. The Central Catholic Committee, founded only in November, 1905, began an opposition campaign, and in two months counter petitions with over four and a half million signatures were lodged against any change in favour of divorce. Judging by the pastoral of the Austrian Bishops at their last synod, the question is not entirely disposed of, for their lordships took that opportunity of protesting vigorously against divorce and the laicisation of the schools.

In Prussian Poland the language question has been creating trouble for the past few years, but the crisis came when the Prussian school authorities insisted that the religious instruction should be given in German. Needless to say the order was bitterly resented by the parents of the children, and they encouraged the children to refuse to answer when questioned in German by the teacher. The children were not slow to follow that advice, and neither threat nor punishment could induce them to change their views. As a result an agitation against German authority has been aroused, such as has rarely before been witnessed, and feeling on both sides could hardly be more bitter. The Polish clergy are naturally on the side of their people, and the aged Archbishop of Posen, Mgr. Stablewski,

though counselling moderation took care to make it clear that he, too, condemned the new move in the game of Germanization. He and his Chapter addressed a vigorous petition to the Emperor to request his interference in favour of the introduction of the Polish tongue for religious instruction. Many rumours have been set on foot about the attitude of the Vatican, and about the mission of Cardinal Kopp to Rome ; but these are for the most part the inventions of newspaper correspondents. One thing only is for so far certain, and that is, that the Pope has not disavowed the action of the Archbishop and his Chapter, nor has he instructed the clergy to take up a different attitude from what they have done. It is not likely that he will act differently in the future.

In America the past year has produced no wonderful developments in ecclesiastical affairs. The Federation of the Catholic Societies undertaken by Bishop M'Faul, of Trenton, of which he gave the Pope such a glowing account a short time ago, seems to have taken root. According to the Bishop's statement, the Society can boast of a membership of well over a million, and has already secured the approval of most of the American Hierarchy. The new missionary movement, too, has developed rapidly in the United States during the past ten years. We refer to the missions to non-Catholics in America, and not to the American assistance to such societies as the Propagation of the Faith, though it deserves to be recorded that America has already given substantial proof that she is prepared, if need be, to take up the place so long held by France. The founder of the Paulist Fathers was the first to seriously advocate the idea of missions to non-Catholics. His spiritual children have naturally thrown themselves heart and soul into the work, while other religious Orders have volunteered assistance. But besides these many of the bishops have set aside a few of their more promising priests to undertake a similar work. For the special instruction of those who are to be associated in such a campaign, a House of Missions has been established on the grounds of the Catholic University in Washington. During its second

year of existence thirty-five priests availed themselves of this opportunity, amongst whom were representatives of nearly all the religious Orders. In New York alone, it appears that during the past year over 1,500 converts have been received into the Church; in Alabama, where the Catholics are only a handful in the midst of a Protestant population, 537 have made their submission, while throughout the United States, according to the reports of the Society, the total number of converts is estimated at about 28,000. The establishment, too, of Catholic Halls in connexion with many of the great American Universities is also a noteworthy sign of the trend of events beyond the Atlantic. The Catholic students were frequenting these institutions in large numbers, and it was time that something should be done to safeguard the spiritual welfare of such men at a very dangerous crisis in their lives.

In Mexico, though the Church is hampered by many restrictions, there are some signs of improvement; whilst in the South American States the Church is, if anything, gaining ground. The Pope graciously offered his services as mediator between Columbia and Peru, and his arbitration was accepted by both parties. In the Transvaal a great Catholic conference of laymen and ecclesiastics was held to discuss the position of affairs under the new regime; and in Australia, the Third Plenary Council of the Australian Bishops was held at Sydney in December, on the occasion of which Cardinal Moran had the pleasure of witnessing the solemn consecration of St. Mary's Cathedral.

In England the important question of Primary Education has largely occupied the public attention during the past year. The Bill as presented to the House of Commons was distinctly unfavourable to the Catholic schools; and if it had passed into law in the shape in which it was proposed, the Catholic schools must either have lost their religious character, or, withdrawing themselves from public control, depended solely upon the private contributions of their supporters. Owing mainly to the strenuous exertions of the Irish Party, some few concessions were obtained during the debates in the Commons, but when the third reading

had been voted by a large majority the Catholic demand for Catholic teachers in Catholic schools, with the right of imparting religious education, remained completely unsatisfied. The House of Lords however, had still to be dealt with, and though it must be confessed that their Lordships bestowed most of their sympathy on the Anglican demands, yet their action had this beneficial result, that the Bill did not immediately pass into law, and the Government once more had an opportunity of reconsidering the Catholic position. If, as would appear probable from the recent debates in the Commons, the Ministers are willing to make Clause 4 mandatory, and extend it also to non-urban districts with a population less than five thousand, and if besides, they accept a Parents' Advisory Committee, with at least a right of veto on the appointment of a teacher, it might not be unadvisable for the Catholics to accept the concession. Their position would not be the ideal one, but it might be at least as good a settlement as anything that the future is likely to bring.

In Ireland, too, the Education question, but mainly under a different aspect, has been the subject of constant discussion. Indeed if discussions could remove our University disabilities, the work achieved in that direction during the past year should have been in itself amply sufficient. But, unfortunately, our bitter experience during the last fifty years clearly demonstrates that no amount of speeches or letters will secure the fulfilment of our legitimate demands. Yet there have been some noteworthy developments during the past year. A commission to investigate the affairs of Trinity College, and to see in what way its sphere of usefulness could be extended by bringing it more in touch with Irish feeling, has been appointed, and has held its sittings. Its conclusions will be interesting, even though ineffectual. The movement, too, in favour of a University for Munster, supported and strengthened as it is from so many and so different quarters, introduces a new element that must be seriously reckoned with. For the results of both we must await the coming year.

**JAMES MACCAFFREY.**

## THE UNIVERSITY OF OXFORD

THE distinguishing characteristic of the University of Oxford, as well as of Cambridge, undoubtedly is the existence of a number of separate corporations or Colleges, absolutely distinct from and working side by side with the University. The relations between the University and the Colleges are very puzzling to foreigners and even to Englishmen, who have not had experience of them. The Colleges are distinct corporations, and the University has no legal jurisdiction over them. A member of a College is, as an individual, a member also of the University, and the University requires that all its members shall be members of a College or Hall, or be registered as non-collegiate students, in which case, though they reside in licensed lodgings, they come under the jurisdiction of the Censor of the non-collegiate body, who, assisted by delegates appointed by the University, provides for them the same kind of education which it is the function of a College (Head and Fellows) to provide in the case of collegiate students.

The University cannot directly control the corporate acts of any College, or its officers. As Cardinal Newman wrote :—

The University had no means of acting upon the Colleges ; it was but a name or a privilege ; it was not a body or a power. This seems to me the critical evil in the present state of the English Universities, not that the Colleges are strong, but that the University has no practical or real jurisdiction over them. Over the members of Colleges it has jurisdiction, but even then, not as such, but because they are its own members also ; over the Head of the College, over the Fellows, over the corporate body, over its property, over its officers, over its acts and regulations within its own precincts, the University has no practical jurisdiction at all.

Since, however, the object for which the members of the Colleges reside in Oxford is to obtain the degree which

is given by the University, they are obliged to conform to its regulations, and the University could indeed exercise any authority which it pleased over the Colleges, by refusing to recognize members of any College who refused to keep its rules. With the exception of requiring an officer of the College to certify that a candidate has kept the required residence, and several other minor regulations, the University rarely interferes. Still, it does insist on a certain amount of discipline being observed by the students outside the walls of their Colleges. It is not, as in the Scotch and French Universities, where, outside the lecture-room, the student is free to come and go as he pleases. When treating later on of the office of the Proctors, the precise nature of this discipline will be further explained.

The Professors are University officials; Tutors and Lecturers are College officials; these two bodies form two wholly distinct systems. The harmony that exists between them is preserved by the Boards of Faculties which draw up lists of lectures, both by University Professors and College teachers, most of whom now open their Honour lectures to all members of the University, whilst giving private instruction to pupils of their own College. The majority of students receive by far the greater part of their education from College Tutors and Lecturers—not from Professors. Commenting on this, Andrew Lang has written :—

The hardest worked of men is a conscientious College Tutor; and almost all College Tutors are conscientious. The Professors being an ornamental, but (with few exceptions) merely ornamental order of beings, the Tutors have to do the work of a University, which, for a moment, is a teaching machine.

The relationship between the University and the Colleges has been used by Mr. Bryce as an illustration of the relations between the Federal Government and the separate States of the American Union. Though the parallel is close enough for all practical purposes, Mr. Rashdall has pointed out this difference :—

That, in place of the strict limitation of spheres established

by the American Constitution, the jurisdiction of both University and College, if either chose to exercise them, is legally unlimited. Expulsion from a College would not involve expulsion from the University, unless the University chose so to enact; nor could expulsion from the University prevent a man continuing to be a member or even Fellow of a College. The University's monopoly of the power of granting degrees is the only connecting link which ensures their harmonious co-operation.<sup>1</sup>

The University is a body of about 13,000 men, whose names are on the books of the University as well as on those of some one of the Colleges or Halls. They are either graduates or undergraduates, but only a small proportion of the former are in residence, whilst only a small proportion of the latter are not in residence. Graduates not in residence continue to be members of the University, so long as they pay certain dues to the University chest. Those members of the University who have not taken the degrees of Master of Arts, or of Doctor of Civil Law, Medicine, or Divinity, have no share in its government. This is in the hands of four distinct bodies.

1. *House of Convocation*.—This is composed of all the members of the University who have taken the degree of Master of Arts, or of Doctor of Civil Law, Medicine, or Divinity, whether they are residing at the University or not. It is the superior governing body, makes permanent statutes or temporary decrees, and controls the expenditure of the University revenues. It is very rare for non-residents to attend. Its members have also the privilege of voting for the University representatives in Parliament, and it is chiefly on account of this that very many continue to keep their names on the books of the University.

2. *The Congregation of the University of Oxford*.—This consists of certain officials who have seats independent of residence, and of all members of Convocation who reside in Oxford within one mile and a half of Carfax for 140 days in the year. This body has the sole right to amend

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<sup>1</sup> Rashdall's *Universities of Europe*, vol. ii., p. 793.

statutes, and before a statute can be introduced to Convocation it must be passed by Congregation.

3. *The Ancient House of Congregation.*—Its members are all Doctors and Masters of Arts for the space of two years after their admission to their respective degrees, all Professors, University Examiners, resident Doctors, and all Heads and Deans of Colleges and Principals of Halls. Its duties are to confer all ordinary degrees and appoint Examiners, who are subsequently approved by Convocation. The functions of this House are now merely formal, for it never refuses degrees to candidates, who have passed their examinations and complied with the ordinary statutory conditions, and in practice the nine Regents necessary for the conferment of a degree are made up of the Deans who attend to present candidates for their respective Colleges.

4. *The Hebdomadal Council.*—This is composed of the Chancellor, the Vice-Chancellor, the ex-Vice-Chancellor for a certain period after the expiration of his term of office, the two Proctors, and eighteen other members elected by Congregation. Six of these must be chosen from the Heads of Colleges and Halls, six from the Professors, and six from members of Convocation of five years' standing. It is the exclusive right of this Council to initiate proposals of all kinds to be laid before Convocation.

Such is the machinery for the government of the University, and the practical working of it is as follows. The proposed statute is initiated by the Hebdomadal Council and voted on. It is then laid before Congregation. If the voice of Congregation is favourable to the proposed statute then the principle of the measure is considered to be affirmed. The members of Congregation are next allowed to propose amendments, which, after due notice, are discussed and voted on. The measure thus amended is laid before Convocation, which is bound to accept it or reject it absolutely without amendment. This is the method of procedure for statutes only; for decrees and money grants proposed by the Hebdomadal Council are voted directly by Convocation on a proposal introduced by the Hebdomadal Council.

Passing now to the officials, the principal ones are the Chancellor, the Vice-Chancellor, the High Steward, the Proctors, and the Professors. The Chancellor of the University, elected for life by Convocation, is a non-resident officer, so that the executive power is chiefly in the hands of his deputy, the Vice-Chancellor, who is nominated annually by the Chancellor. Usually, the Vice-Chancellor holds office for four years, and is chosen from the Heads of Colleges in turn; he appoints as his deputies four pro-Vice-Chancellors. His duties are very numerous, for he has to superintend the entire working of the University. He is required to reside in the University, to see that all statutory meetings take place in due order, and that only worthy men be promoted to degrees. He has to punish wrong-doers, and to inquire into the causes of evil. Along with the Proctors he has to guard the liberties of the University and all its records and registers, and preside over the Court of the University, known as the Vice-Chancellor's Court, where he exercises an inferior criminal jurisdiction over the members of the University.

The High Steward is appointed for life by the Chancellor, and approved by Convocation. Theoretically, offences of the gravest class should come under the cognizance of this officer, but practically his jurisdiction is obsolete.

After the Vice-Chancellor the two Proctors are the most important officers. They are required to be graduates of at least four and not more than fifteen years' standing in the degree of Master of Arts, and are elected annually by the Colleges in rotation. Each Proctor nominates two pro-Proctors (M.A.'s of at least three years' standing) to act as their deputies. These officers are responsible for the discipline of all members of the University who are *in statu pupillari*, i.e., who have not taken one of the superior degrees. They have to manage all University business, act as assessors to the Chancellor and scrutators of votes, be present at the conferring of degrees, attend the Hebdomadal Council, and see that the Statutes are observed in examinations. The nature of the discipline, which is

exercised by the University over its junior members, and which the Proctors have to guard, will be understood from the following list of rules lately issued by the Vice-Chancellor :—

A. Undergraduates are forbidden :

- (1) to visit the bar of any hotel, public-house, or restaurant ;
- (2) to give dinners in hotels, or other licensed premises, without leave, which may be obtained from the Proctor on presentation of a written permission from the College, and a list of the guests ;
- (3) to give dances during Term, or to take part in public subscription dances given during Term ;
- (4) to play billiards before 1 p.m., or after 10 p.m.
- (5) to visit any place of entertainment which has not received the Vice-Chancellor's licence. A notice that this licence has been granted is printed at the head of the programme of each entertainment (e.g. at the Theatre) : except in the case of entertainments given by Colleges or by such University Clubs or Societies as have standing leave for their performances (e.g. certain Musical Societies) ;
- (6) to attend any public race-meeting in the neighbourhood of Oxford ;
- (7) to take part in pigeon-shooting, or similar sports ;
- (8) to take part in any game or amusement which is scandalous or offensive ;
- (9) to keep any form of motor-car or motor-cycle without leave, which may be obtained from the Junior Proctor on presentation of a written permission from the College ;
- (10) to obstruct or annoy any University officer in the discharge of his duty ;
- (11) to smoke in public in Academical Dress.

B. 'Academical Dress' consists of the cap and gown (see *Statt. Tit. XIV. § 3*, pp. 303, 4, ed. 1905). Both must be worn whenever an Undergraduate has occasion

- (a) to appear before the Vice-Chancellor or Proctors or any other University official ;
- (b) to visit the Examination Schools or Bodleian Library ;
- (c) to attend any University ceremony ;
- (d) to be out of College after 9 p.m. in the Summer Term, or after 8 p.m. in the Winter Terms.

When an Undergraduate presents himself for a Univer-

sity Examination in the Schools, or for receiving a Degree, he must wear, with the Academical Dress, either a black coat and dark trousers, or a dark blue or dark grey suit. A white tie must be worn, and coloured waistcoats, shirts, or collars are not admissible.

Breaches of these rules are punished by pecuniary fines, gating (confinement within the walls of the offender's College, Hall, or lodgings after a certain hour), rustication (banishment from the University for a definite period) or expulsion from the University.

The Professors, appointed by Boards of Electors, are sixty-two in number. There are seven in the Faculty of Theology, six in the Faculty of Law, six in the Faculty of Medicine, twelve in the Faculty of Natural Science, and thirty-one in the Faculty of Arts. The Statutes declare that their duties are, 'in their different departments to give instruction to students, assist the pursuit of knowledge and contribute to the advancement of it, and aid generally the work of the University.' Their lectures must be open to all without the payment of any fee. Under the present arrangement, many College Tutors and Lecturers give lectures which differ from professorial lectures only in name, while many of the Professors are, to some extent, occupied with tuition undertaken either as a necessary part of their teaching as Professors, or a duty entrusted to them by a College in which they may hold the position of Tutor or Lecturer. In this way professorial teaching and the teaching of the different Colleges is mingled together and the whole system both of teaching and examining is organized by the Boards of Faculties and the Boards of Studies. These bodies administer the statutes under which examinations are held, and exercise a strict supervision over the majority of lectures publicly delivered by Professors, College Tutors, and Lecturers. To aid these Boards in their work of organization each Professor must give to the Secretary of the Board timely notice of the lectures he proposes to give. Heads of Colleges are also required to present to the Secretary lists of lectures (open to all students) which are to be given under the authority

of the different Colleges. Each Board then prepares and sends to the Vice-Chancellor for publication before the end of each Term a list of lectures for the following Term in the subjects of the Faculty. These lists are published by the Vice-Chancellor, and copies are sent to the Heads of Colleges and Halls to be affixed to their several notice boards.

Some account of these Boards of Faculties is necessary. The word 'Faculty' originally denoted one of the branches of study in which the University granted degrees. At Oxford the full privileges of a degree can be obtained only in the four Faculties of Theology, Law, Medicine, and Arts. Now, owing to the recent institution of a number of Final Honour Schools, it has become possible to take a degree in Arts after a course of studies which properly belongs to the province of some one of the other Faculties.<sup>1</sup> This resulted in a complexity of studies which could not be satisfactorily supervised by the one Faculty of Arts. The Act of 1877 simplified matters: it retained the word 'Faculty,' but defined it to be 'any branch or aggregate of branches of the studies pursued in the University which for the time being shall be represented by a separate Board.' So now the Faculties are Theology, Law, Medicine, Natural Science (which includes Mathematics) and Arts (represented by the three Faculty Boards of Literæ Humaniores, Oriental Languages, and Modern History). This arrangement has made better provision for the supervision of the work, but there still remains the peculiarity that the University is granting fully privileged degrees in four Faculties, whilst controlling the lectures and examinations by seven distinct Boards of Faculties.

Each of the seven Boards of Faculties consists of the Professors and Readers of the Faculty, and an equal number of other members elected by College Tutors and Lecturers, together with a small number of co-opted members. Each Board elects its own chairman, but all have a permanent secretary in common.

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<sup>1</sup> For instance the B.A. degree is conferred on one whose studies may have been mainly theological; also a science student does not receive a B.Sc., but a B.A. degree. At Oxford the B.Sc. is a 'research' degree and the recipient of it has no voice in the government of the University.

These bodies, together with six Boards of Studies (which in the main are mixed committees drawn from two or more Boards of Faculties), are invested with the control of all examinations in which a candidate must show proficiency, before he can supplicate for a degree in Arts or in any of the superior Faculties. They are required to exercise a general supervision over the subjects of examination in the several 'schools' placed under their charge, to issue lists of books and subjects from time to time, and to fix, if they think fit, the minimum amount of work to be offered by candidates for Honours. All 'public' lectures are placed under their superintendence, that is to say, all lectures to which all members of the University are admitted either by right, as in the case of those delivered by Professors and Readers, or by arrangement, as in the case of those delivered by Tutors and Lecturers. The power of the Boards in this department is limited to the recommendation of any alteration that they may think necessary in the day, the hour, or the subject of a lecture. If their recommendations are disregarded by any Lecturer other than a Professor or Reader, the lecture in question may be excluded from the official list. In the case of a Professor or Reader the Boards cannot exclude such a lecture, but may report the matter to the Vice-Chancellor. This places a very considerable authority in the hands of the Boards, since the 'Honour' lectures advertised in the official list are open to those Colleges only which themselves contribute a lecture to the list. Consequently, a Lecturer whose name was excluded from the list of his Faculty might find his pupils debarred from attending any lectures but his own.<sup>1</sup>

The Boards of Studies mentioned above as being committees drawn from the Boards of Faculties are concerned with the supervision of Responsions, the examination in Holy Scripture, the First Public Examination of candidates not seeking Honours (commonly called 'Pass Moderations'), the examinations in certain groups of the Pass School in the Second Public Examination, the Examination in the Final Honour School of the English Language and Literature, and the Examination in the Final Honour School of Modern Languages. Various titles are given to the different examiners: those for Responsions are 'Masters of the Schools'; those for the First Public are termed

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<sup>1</sup> *Student's Handbook*, p. 110.

'Moderators;' those for the Second Public are named 'Public Examiners.' Each examiner is nominated by a committee of no fewer than six, three of whom are the Vice-Chancellor and the two Proctors, while the other three are chosen by one or more of the Boards of Faculties. The Masters of the Schools must be members of the University, but this is not the case with Moderators and Public Examiners, except in the Honour School of Theology, which requires the examiners to be members of Convocation in Priest's orders. Before entering upon the work of examining, the examiner takes an oath in the presence of the Vice-Chancellor to perform his duties, '*Sedulo et fideliter, sepositis omni odia et amicitia.*'

As before stated, the Colleges are corporate bodies distinct from the University: they manage their own property, and elect their own officers, and the Proctors have no powers within their walls. Strictly speaking, the members of a College are only those who are members of the corporation or foundation of that College.

The origin of the Colleges was due to benevolent persons, who desired to relieve a certain number of poor scholars from some of the hardships of their life at the medieval universities, and in order to do this, provided a building in which such scholars could live a common life. The early college consisted of a head and scholars, endowed with board and lodging by means of buildings and revenues provided by the founder. The senior scholars were engaged in teaching, and the juniors in learning; the seniors were each others 'fellows,' and gradually the term 'Fellow' became appropriated to the senior or governing members of the college, while the term 'Scholar' was restricted to the junior members.

Fellowships now are competed for by examination; they are held for a definite period only, and such things as 'Life-Fellowships' are things of the past. The length of tenure varies from two years to fifteen; but the holder may always be re-appointed for successive periods, varying from fifteen years to five. The candidate usually chosen is the one who has been most successful in the examination,

but it must be understood that the 'College' is not so bound. No matter how clever and brilliant a candidate may be, there might be many reasons, personal or otherwise, which would render him undesirable to the College, and therefore, such a one might be rejected by the electors who are the already existing Fellows. In the case of one College it has been playfully said that for a candidate to be successful he must be *bene natus, bene vestitus et mediocriter doctus*. It is also the privilege of the Fellows to elect the Head of the College.

There are two kinds of Fellowships, Ordinary or non-Official and Official. The first kind are simply rewards for proficiency in the various subjects studied in the University, and the holders of them are not bound to reside in Oxford, or to serve their Colleges in any way. The Official Fellowships are chiefly intended to be held by members of the teaching staff of the Colleges in some cases they may be held by those who serve the College in other capacities than that of teaching, e.g., the Bursar. If an Official Fellow marries within seven years of the date of his election, he must vacate his Fellowship; he may, however, be re-elected provided there are a certain number of unmarried Fellows resident in the College.

A long time elapsed in the history of the Colleges before it became the custom to admit paying boarders termed 'Commoners.' So now in most of the Oxford Colleges there are the Head, the Fellows, the Scholars, and Commoners; but the Head, together with the Fellows form the governing body, while the Head, the Fellows, and the Scholars form the corporate body. As exceptions to this rule it ought to be mentioned here, that there are no Scholars at All Souls'; no Fellows at Keble; and that Christ Church, being a Chapter as well as a College, includes as members of the foundation the Dean and Canons, as well as the 'Students' (who correspond in most respects to the Fellows of other Colleges), and the Scholars. At the present time there are twenty-one Colleges in Oxford, one Academical Hall, St. Edmund's, and three Private Halls. These Private Halls exist under a statute of the University

passed in 1882, according to which the Vice-Chancellor and Hebdomadal Council are allowed to license a member of Convocation, above the age of twenty-eight, to open a house as a Private Hall for the reception of undergraduates. One of these Private Halls belongs to the Fathers of the Society of Jesus, another to the Benedictines of Ampleforth Abbey, and the third to a private individual. When a student wishes to enter the University he must first have his name entered on the books of some College or Hall, or as a non-Collegiate student ; and within fifteen days of admission he must be presented for Matriculation to the Vice-Chancellor, by the proper officer of the society which he has joined.

The University cannot matriculate anyone who is not a member of some College or Hall, but never refuses to matriculate any duly presented Collegian. The newly-admitted student is taken to the Vice-Chancellor, and after his name has been entered on the University register, he is ceremonially received and presented with a copy of the Statutes. For all practical purposes he then comes almost entirely under the jurisdiction of his College, which places him under the guidance of a Tutor, who is responsible for his teaching and direction. The Tutor marks out for him a course of lectures, and appoints certain times for private interviews.

The College discipline to which he is subjected is supplementary to that of the University. Each College has its own special code, but certain general regulations are common to all. These require the student to begin residence in each term on a certain specified day, to reside during the prescribed time, and not to leave Oxford for the day or for the night without permission. He is usually expected to attend the chapel of his College, but he is not compelled to do so, and may attend roll-call instead. In the case of our Catholic undergraduates, attendance at morning Mass in the oratory provided for them, is accepted by most Colleges in place of 'Chapel' or 'Roll-Call.' The gates of all Colleges and Halls are closed a little after nine o'clock at night : after that no one is allowed to pass out without

special permission ; and a small fine is often imposed upon those who come in. Anyone who passes the night out of his College without special permission is liable to be punished very severely. The rules referring to work are stricter in some Colleges than in others. Many Colleges will not admit candidates who do not intend to read for Honours, and most of the Colleges require their undergraduates to pass certain examinations within a specified time ; failure to do so is often punished by ' rustication.'

The B.A. degree is the one usually aimed at, and the examinations for it are (1) two rigidly defined compulsory examinations, viz., (a) Responsions, (b) Holy Scripture, which is not compulsory for those who object to it on religious grounds—these may substitute some Greek author ; (2) two so-called Public Examinations, where the subjects offered depend upon the choice of candidates made from a wide scheme of alternatives. Responsions is not unusually passed before Matriculation, and it is important to note that the very least qualification which any Oxford College requires of those to be enrolled on its books is ability to pass Responsions. Many Colleges require for their membership qualifications far in advance of those needed to pass Responsions ; in fact, each College is its own judge, quite apart from any regulation of the University, of the proper requirements for admission through its membership to Matriculation in the University.

The First and Second Public Examinations embrace many alternative courses. If the candidate merely wishes to prepare for the Pass School, he takes Pass Moderations for his First (a continuation mainly of the elementary Greek and Latin studies tested in Responsions), and his Second Public Examination will consist in satisfying the examiners in three of seventeen subjects which together form four ' Groups,' the three subjects being chosen from three different Groups. Classical subjects form one group, modern subjects a second, mathematical and scientific subjects a third, and a religious subject a fourth.

Another way of proceeding would be to take Pass Moderations for the First and one of the numerous Honour

Schools for the Second Public Examination. Again, Honour Moderations might be taken for the First, and the Groups of the Final Pass School for the Second. Still another way presents itself, and that is to take Honours in both the First and Second Public Examinations.

There is no space here to enter any further on the various ways which the University offers for approaching a degree. Reference should be made to the Examination Statutes, which are regularly published by the Clarendon Press; but it should be mentioned here, that once the degree of B.A. has been received, there is no further examination for the degree of M.A.; it is only required that the candidate's name be kept on the books of a College and of the University for a number of terms, until the twenty-seventh term from the date of Matriculation has been completed. Then, on payment of the necessary fees, the higher degree of M.A. can be received.

Besides the passing of examinations something more is required from candidates for degrees, viz., a certain period of residence within the statutory boundaries of the University. Excepting in music, no Oxford degree can be granted without residence, and for the B.A. degree a residence of two years and eight months (twelve terms in all) is required. This period of two years and eight months is of course broken up by the Vacations. There are four terms in each year: Michaelmas Term, from the middle of October to the middle of December; Hilary Term, from the middle of January to the middle of March; Easter Term, from the first or second Sunday after Easter, for a period of four weeks, followed immediately without any break by Trinity Term, which finishes about the third week in June. A year's residence is thus composed of four terms, two of which are eight weeks in length, and the remaining two only four weeks each, making a total of twenty-four weeks. The 'residence' necessary for undergraduates requires that they take their meals and pass their nights under certain restrictions; their place of abode must be either one of the Colleges or Halls, or lodgings licensed by the University Delegacy of Lodging Houses. These

licensed lodgings may be used either by members of a College or Hall where no rooms have been assigned to them, or by non-Collegiate students.

It is impossible here to enter into the question of the cost of an Oxford education. Very much depends upon the individual concerned, for though University fees, examination fees, and tutors' fees are always the same, and can be definitely stated, this cannot be done with regard to board, lodging, and personal expenses. Much depends upon the College which is chosen, but much more depends upon the tastes and habits of those whom an undergraduate makes his friends. In the different Colleges, and indeed oftentimes in the same College, there are many varieties of undergraduates who have very various ways of occupying and amusing themselves, which, on the one hand, lead to much expense, and, on the other, to very little.

A steady man, that reads his five or six hours a-day, and takes his pastime chiefly on the river, finds that his path scarcely ever crosses that of him who belongs to the Bullingdon Club, hunts thrice a-week, and rarely dines in hall. Then the 'pale student' who is hard at work in his rooms or in the Bodleian all day, and who has only two friends, out-college men, with whom he takes walks and tea—he sees existence in a very different aspect.

An attempt has been made in this 'article' to explain the somewhat peculiar constitution of the University, to point out how the University and the different Colleges work together for the education of their members, and to indicate the system of teaching and discipline which is now pursued at Oxford. In a paper of this length it is impossible to be anything more than superficial, for the *Statuta Universitatis Oxoniensis* is a bulky volume, and one which cannot be satisfactorily condensed into a few pages.

G. E. HIND, O.S.B.

## DIALOGUES ON SCRIPTURAL SUBJECTS: THE PENTATEUCH

### DIALOGUE III.

**P.** O'F.—From our last interview, I am satisfied that there has been from the time of Moses himself up to the present a constant, unbroken and firm tradition amongst the Jews that Moses was the author of the Pentateuch. Since then, however, I have read that there is no mention of Moses or his achievements in the ancient histories of Egypt. This seems strange. A wonder-worker such as he, if we are to believe all that is written about him in the Pentateuch, should have figured largely in the contemporary history of Egypt at least.

**FR. O'B.**—The question you propose is a very natural one. I know, too, who gave rise to the statement that there is no mention of Moses by any of the Egyptian historians. It was Voltaire, with his usual cynical levity. However, my answer is this: Even if I were to grant that all the Egyptian historians were silent about Moses, this silence could not destroy the force of the positive, clear, and constant tradition amongst the Jewish people themselves. The latter is a positive argument, the former at best a mere negative one, which in case of conflict must yield to the former. Then you are to bear in mind that the sacred records of the Jews are far anterior to any existing profane history. Furthermore, very few of the writings of the Egyptians were preserved, and those that are, are of a comparatively recent period. But as a matter of fact it is not true to say, that Egyptian historians were altogether silent about Moses, or regarded him as a mere figment. Josephus Flavius, the historian of the Jews, in his first book against Appian, quotes Manethon, one of the most ancient of the Egyptian historians, and his reference to Moses and his exploits. Chaeremon, another Egyptian historian, also speaks of Moses and his exodus from Egypt.

Then Strabo, one of the most renowned historians of the Greeks, in the sixteenth book of his History, alludes to the departure of Moses with his people out of Egypt ; their taking possession of Palestine, and setting up of the worship of the true God, having abjured the worship of the idols. And Strabo, you are to bear in mind, lived in the century before Christ, was well educated, and travelled much in Europe, Asia, and Africa. Syria, Palestine, and Egypt were visited by him, as a result of which he composed his geographical history, in which he makes above reference to Moses.

We have, furthermore, Diodorus the Sicilian, who visited Egypt in the year 60 before Christ. Treating in his work, *The Historical Library*, of the most celebrated legislators of different nations, when he comes to the Jews, he writes thus : ' Amongst the Jews there was a certain Moses, who left them laws, which he said he got from the God Iao.' Here he manifestly alludes to the books of Moses in which the law is contained, and to the God Jehovah, of which Iao was a natural and excusable corruption in the circumstances. Elsewhere he speaks of Moses as the leader of a colony of Jews emigrating from Egypt, whom he divided into twelve divisions ; he forbade them the worship of idols, and gave them a law of life different from that of other nations. Anaxagoras, one of the most ancient of the Greek philosophers, according to Theodoretus, read the books of Moses. Many think that they were well known to Aristotle and Plato, so much so, that a Jewish philosopher, named Aristobulus, undertook to prove that the writings of Moses were the basis of the peripatetic philosophy. To pass over others I may mention Longinus, the rhetorician, who in the third century taught philosophy, history, and criticism at Athens. In his treatise, written in Greek, entitled ' On the Sublime,' chapter vii., he quotes the book of Moses thus : ' The legislator of the Jews, by no means a common man, having formed to himself a high idea of the majesty and power of God, beautifully expressed it in the beginning of his book, in the following words : " God said, Let there be light, and there was light." '

Allusion is made to him also in the History of Tacitus, and the Satires of Juvenal.

Many others may be quoted for you, but these will suffice to show you not only that Moses was known to ancient writers, both Egyptian, Grecian, and Roman, but he was known as the leader and law-giver of the Jews—and to some as the author of a book which can be no other than that of the Pentateuch, with which alone his name has been associated in the history and tradition of his own race. From this, too, you can see the want of knowledge or want of good faith of Voltaire, when he asserted that Moses was unknown to ancient pagan historians.

You are not, of course, to think that the quotations I have given you from these pagan authors would of themselves individually establish the Mosaic authorship of the Pentateuch, but they go to show, at least, that ancient profane history is not silent about Moses and his exploits. Then, of those that are extant, so far as they allude to him at all, when occasion offered, their collective testimonies confirm in a marked way the tradition of the Jewish people themselves regarding the personality and history of Moses.

P. O'F.—There seems to be no reason to doubt it. And then, I suppose, of those who were silent about him many of them perhaps had no occasion to allude to him, so that what between those who have written about him and those who were silent, because they were not called on to speak, and those whose works have perished, of which we know nothing—one may say that Voltaire's objection rather strengthens than weakens your contention.

FR. O'B.—I think so. Remember, too, as I have already hinted, we have in most cases only fragments of the works of the ancient writers which have been handed down to us by Josephus, Justus, Eusebius, Theodoretus and others.

I have another argument, too, an external one, and of a much stronger kind than that deduced from the pagan authors just alluded to—and that is one derived from the testimony of the Samaritans.

P. O'F.—Pray, who are they? and what is the argument?

FR. O'B.—In order that you may understand the full force of it, it is necessary that you should know something of the history of this people, which is briefly as follows, as taken from the third and fourth books of Kings. After the death of Solomon, and in punishment of his crimes, ten of the twelve tribes revolted against his son and successor Roboam, elected one Jeroboam as their king, and formed themselves into a separate kingdom, called thenceforward the kingdom of Israel. The tribes of Juda and Benjamin, which remained faithful, were called the kingdom of Juda. Jeroboam and his successors, fearing lest if their subjects went up to Jersusalem every year to offer sacrifices in the Temple, according to the prescription of the law of Moses, they may, from contact with the Jews there, be induced to return to their allegiance to the direct and legitimate successor of the house of David, erected temples for them in the high places at home, placed before them two golden calves for adoration—‘one in Bethel, and the other in Dan, . . . and made priests of the lowest of the people, who were not of the tribe of Levi.’<sup>1</sup> The true priests of the tribe of Levi were nearly all expelled from the kingdom of Israel, so that after some time, not only politically but in religious matters also, the kingdom of Israel was completely cut off from the sister kingdom of Juda.

Not all, however, fell away from the worship of the true God. There still remained some of the priests of the tribe of Levi, who, together with the warnings of the prophets whom God sent during this period, kept alive to some extent the observances of the Mosaic law, and saved a remnant of the people from the curse of idolatry. After three centuries, Samaria, the capital of the kingdom of Israel, was besieged and captured by Salmanasar, King of the Assyrians. Its king, Osee was taken prisoner, and he and his people were carried into captivity, and placed in ‘Hala and Habor by the river of Gozan, in the cities of the Medes.’<sup>2</sup> This was in the year 724 before Christ. The

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<sup>1</sup> 3 Kings xii. 29, 31.

<sup>2</sup> 4 Kings xvii. 6.

kingdom of Israel was never after restored. The King of Assyria colonized the kingdom and cities of Israel with people from Babylon, and Cutha, and Avah. 'And when they began to dwell there, they feared not the Lord; and the Lord sent lions among them, which devoured them.'<sup>1</sup> When the reigning monarch, Assarhaddon, heard this, he commanded, saying: 'Carry thither one of the priests whom you brought from thence captive, and let him go, and dwell amongst them; and let him teach them the *ordinances of the God of the land.*'<sup>2</sup> This was done, 'and one of the priests who had been carried away captive from Samaria, came and dwelt in Bethel, and taught them how they should worship the Lord.'<sup>3</sup> Remember this fact, please. This new people dwelling in the former kingdom of Israel, composed principally of Assyrians and some of the Israelites, who had not been taken into captivity, were thenceforward called Samaritans by the Jews. They had a mixed worship—that of the true God taught them by the priest sent by Assarhaddon, and that of their own idols.

When the Jews of the kingdom of Juda, after the seventy years captivity in Babylon, were sent back to build up their city and temple, the Samaritans asked as a favour to be allowed to help them in the work of restoration. Their request was indignantly refused by the Jews. The Samaritans, incensed at the refusal of their request, now directed their energies to impede, as far as possible, the work of rebuilding by the Jews. This caused a complete estrangement between both peoples for all time. Their mutual jealousies and hatreds were still further intensified by the following event. In the time of Alexander the Great in the fourth century before Christ, and about four centuries after Assarhaddon asked the Israelite priest to be sent amongst the colonists of the former kingdom of Israel, to teach the worship of the true God according to the prescription of Moses, a Jewish priest, named Manasses, who lived in Judea, was expelled thence, because of his

<sup>1</sup> 4 Kings xvii. 25.<sup>2</sup> *Ibid.* 27.<sup>3</sup> *Ibid.* 28.

refusal to separate from his wife, who was a Samaritan. He fled to the Samaritans, and was received by them. He asked and obtained permission from Alexander the Great, to whom the country was then subjected, to build a temple on Mount Garizim, where he began to offer sacrifice, according to the rites of the Mosaic law. This led to the conversion of many of the Samaritans to the worship of the true God; so much so, that thenceforward Garizim became a rival of Jerusalem as a place of worship. So steadfastly did the Samaritans cling to it, that even after the destruction of the city and Temple by John Hircanus two centuries later, they erected an altar on the site, and continued to go there at stated times to offer sacrifice.

The rivalry and discord between the Jews and Samaritans continued until the time of our Blessed Lord. We have proof of this in his interview with the Samaritan woman beside Jacob's well, as recorded in John v. 9-20. She expressed her surprise that He, a Jew, should have asked her, a Samaritan, for water to drink. 'How dost thou, being a Jew, ask of me to drink, who am a Samaritan woman, for the Jews do not communicate with the Samaritans.' And when she discovered that she was speaking to a prophet, He having told her the history of her life, she alludes to the old controversy in an interrogative way, saying: 'Our fathers adored on this mountain (Garizim) and you say that at Jerusalem is the proper place where men must adore.' The Samaritan race still lives, reduced to be sure to a small colony; and strange, whilst the Jews are scattered all the world over, the Samaritans live in Palestine, and principally at Naplouse, not far from Mount Garizim. They glory in being followers of the law of Moses, they observe the rite of Circumcision, the Pasch, Sabbath, and other legal festivals according to the Mosaic prescriptions, and intermarry, so as not to become mixed with the Jews and Islamites.

P. O'F.—This is a very interesting history; but I would wish to know, what argument can be derived from it for the Mosaic authority of the Pentateuch?

FR. O'B.—The argument is this. This people have had for centuries, and still have, the Pentateuch, and that in two forms. They have the Hebrew text, written in the old Hebrew characters, such as they were before the time of the Babylonian Captivity, and a version of the same written in the Samaritan dialect, which is a mixture of Syriac and Arabic. Now, the question, is 'When did they get it?' Bear in mind what I have told you, that though the Samaritans have had, and still have many things in common with the Jews, especially the veneration of the Pentateuch, and the observance of the Mosaic law, still they have been from the time of the revolt under Roboam, a different kingdom—and from the destruction of the kingdom of Israel, substantially a different race and people. You are to remember also, that from the days of Roboam and Jeroboam down to the present time, the relations between these two peoples have been bitterly hostile. When and from whence, then, did they get the Pentateuch? When did they become followers of the Mosaic dispensation? Some say that it was from the priest Manasses, who fled from his own co-religionists, as I have told you, and with the permission of Alexander the Great built the temple on Mount Garizim. That would be about the year 332 before Christ. Some reasons are assigned for this opinion, which are not, to my mind, convincing. It is not at all probable that at that period, when the Jews and Samaritans were so hateful to each other, that the latter would accept from the former the Pentateuch, a work containing a code of laws both religious and political, binding under most severe penalties, and, as a nation, submit themselves to it. Again, if they accepted from him the Pentateuch, why not have accepted the other books of the canon, which was formed at that time, and contained the list of the books recognized then by the Jews as inspired? Why discriminate between the Pentateuch and the others, for as a matter of fact, the Pentateuch is the only book of the Old Testament received by the Samaritans? Then, from the history of the Samaritans, such as it is gleaned from the books of Kings, there can be no doubt that before the

advent of the priest Manasses, and the time of Alexander the Great, many of the Samaritans were followers of the Mosaic law, and worshipped the true God according to its ordinances. From this it follows, that they had in their midst the written work containing this law. For it is hard, if not impossible, to conceive how they could observe such a complicated law, containing so many, so minute and such difficult regulations, if they had not this written code in their midst.

P. O'F.—From whom, then, did they get it ?

FR. O'B.—The answer seems to me quite simple. They got it from the priest whom Assarhaddon, as you will remember, sent back out of captivity for the very purpose of teaching the new colonists 'the ordinances of the God of the land,' and how they 'should worship the Lord.' He must have brought with him from Assyria a copy or copies of the Pentateuch, otherwise how could he have taught these pagan people this new law, so complex, so varied, so replete with minute directions regarding rites and ceremonies ? It would have been, humanly speaking, impossible. From this it follows that amongst the Israelites then in captivity in Assyria, there were some who worshipped the true God according to the Mosaic law and had with them copies of the Pentateuch. It further follows that, during the previous three hundred years of the separate existence of the kingdom of Israel when, owing to the policy of their kings for political reasons and of false priests for religious and personal reasons, the nation had to a great extent fallen into idolatry, there still remained some, a minority to be sure, who abstained from the service of idols, and worshipped the true God according to the law of Moses. From this, too, we may conclude that during these three hundred years, these followers of the Mosaic law in the kingdom of Israel had their own codices of the Pentateuch, for it would be absurd to suppose—considering the hostile relations between the two nations—that they borrowed or copied them from the Jews. The

<sup>1</sup> Kings<sup>xvii.</sup> 27.

the substantial agreement between both Pentateuchs, the Jewish and Samaritan, is a proof of the reverence of both for the sacred book, and the religious care and tenacity with which they guarded it,—whilst the discrepancies which exist, such as regards the ages of the patriarchs, from which arise the different chronologies, show that the Samaritan cannot be a mere transcription of the Jewish. We have thus established another stream of tradition through the history of the Samaritan people back to the time of Roboam and Jeroboam, and the days of Solomon and David when both were one people, testifying to the Mosaic authorship of the Pentateuch. I have already pointed out to you the proofs of the tradition from that period back through the time of the Judges to the days of Josue and Moses himself.

Considering, then, the whole history of this people from the days of Roboam down to our own, and their testimony to the Mosaic authorship of the Pentateuch, well did Bossuet say, that it has been preserved by a special providence of God, in order to bear witness to the antiquity and authenticity of the Pentateuch.

P. O'F.—Before closing this dialogue, I wish to ask you a few more questions. The Pentateuch, it is alleged, was written originally in the Hebrew language. How could Moses have a knowledge of that language, reared as he was in the court of Pharaoh? Is it not probable, too, that the Hebrew people lost a knowledge of their own language during the centuries of their slavery in Egypt?

FR. O'B.—As regards Moses, there can be no doubt but he knew the Hebrew language. He was reared whilst young, as you know, by his own Hebrew mother, who knew her own language. Then, it is most likely that amongst the educated classes, and in the court of Pharaoh, there prevailed a knowledge of the Hebrew language. What more natural then than that some of the Egyptians at least learned the language of this people, with whom they held social and commercial relations for such a length of time. Furthermore, as you know, when Moses was a young man he had to fly from Egypt, and came into his own country,

where his own language was spoken. Thence he passed into the land of Madian, where he spent some years and in which a language closely akin to the Hebrew was spoken. Then, as regards the Hebrews losing their language during their sojourn in Egypt, there is nothing less probable, considering the tenacity with which the race in every period of its existence has clung to its customs and traditions. Furthermore, though living in Egypt, they formed a separate people dwelling in the land of Gessen, in the eastern extremity of that country. In these, our own days, we have illustrations of this tenacity in preserving their racial dialects in the Basque province of Spain, in the island of Malta, in Brittany, and even now amongst ourselves, notwithstanding the history of the last century.

P. O'F.—May I ask, was the art of letter writing in existence in the time of Moses ?

FR. O'B.—There can be no doubt about it. Amongst the Egyptians there was a cursive popular style of writing, even before the time of Moses, specimens of which are to be seen in several libraries in Europe to-day. You are aware, of course, that the Egyptian hieroglyphics, which consist in figures of animals and other objects, were used only as inscriptions on public monuments.

P. O'F.—But do you mean to convey that the Pentateuch was written originally by Moses in Egyptian characters ?

FR. O'B.—No ; but I mention the fact merely to show you that even if I were to admit that the Israelites had not at that time, a written language of their own, there would be nothing to hinder me from saying that Moses could have written the Pentateuch in Egyptian characters. But this is not necessary, for it is perfectly certain that at that time the art of writing was well known to the Jews, and that the Pentateuch was written in their own language. According to the almost unanimous testimony of profane historians this art was introduced into Greece from Phœnicia, by Cadmus, in the year of the world 2480—that would be about thirty years before the exodus of the Israelites out of Egypt. At that time the Phœnicians

were a most civilized and cultured people, amongst whom the art of letter writing had existed for a long time. Phœnicia was, you know, quite adjacent to Chanaan, where Abraham and his successors lived for a long time, not as obscure people, but as men of influence and power. Hence there can be no doubt that, as they spoke the same language as the Phœnicians, and held social and commercial relations with them, so they, too, were skilled in the art of letter writing. Hence St. Augustine says in his book of which you have heard, *De civitate Dei*, lib. xix. c. 39, that 'it is not to be believed that the Hebrew letters began with the law given by Moses, but that the language and its letters were preserved and handed down through the succession of the patriarchs.' It may be of interest to remark in this connexion, that when the Israelites, after their journeying in the desert, took possession of the land of Chanaan, one of the cities that was destroyed by them was called in their language the 'City of Books,' probably the one in which the national library was preserved; showing that at that time the Chanaanites were a civilized people, not unacquainted with the art of letter writing.

H. D. L.

## THE ROOTS OF LIBERAL THEOLOGY

ONE who has been brought up in the old system of theology, and whose reading has for the most part been confined to its accredited exponents, is puzzled and distressed when he opens a volume of the new liberal theology. He had been taught that theology is a deductive science, and that in the drawing out of theological conclusions from the divinely revealed premises, great weight must be given to the authority of the Church, to whose safe keeping the deposit of religious truth was entrusted by God. The new liberal theology shows scant courtesy to tradition, it criticises the teaching Church, and it appeals for its warrant in so doing to scientific convictions, to religious consciousness, and religious experience. It proclaims aloud that the human mind is necessarily progressive, that to live is to move, while the theologians stagnate in the ever recurring round of barren logical deductions from the same worn out formulas. Those formulas did well enough for the time when they were framed, they satisfied a want of the human mind, but a new age like ours must re-interpret for itself in language that it can understand the ever-living truths of religion. The old apologetic, with its elaborate proofs from miracles and prophecies, was framed on wrong lines, more calculated to produce a religious sceptic than a believing Christian. Religion is not so much a matter of the intellect, nor is it susceptible of demonstration, it belongs rather to the affective part of our nature, to the feelings and to the will. Hence the new interest in mysticism which we see manifested on all sides.

These are some of the characteristics of the new liberal theology, whose main object is to re-interpret Christian truth in the light and for the needs of the present day. In the books and magazine articles where liberal Catholics give expression to these views there is no attempt made to establish them, or even to indicate clearly the grounds on

which they rest. The effect produced on the reader is one of uneasiness and bewilderment. The truth is, that the hidden principles on which those views rest are antagonistic to Catholic truth. They are drawn directly or indirectly from a new science which in its principles and in their application is subversive of Catholic doctrine. This new science has received various names, but in England it is commonly called the Science of Religion or Religions. I propose in this paper to sketch in outline the main features of this new science, and then we shall be better able to form a correct estimate of Catholic liberal theology. We shall be able to view it in its native surroundings, in its environment, and thus we shall be able to form a better judgment concerning its nature and tendencies.

According to its votaries, then, the Science of Religion is an *exact* science, just like the physical sciences whose method it employs. The physical sciences owe the marvellous progress which they have made to the employment of the inductive method of reasoning. They begin by laboriously collecting facts bearing on the subject-matter of the science, these facts are studied and compared with one another, then hypotheses are formed and verified, and finally, we arrive at a body of laws containing the truths which the science has discovered. This scientific method is adopted by the new science of Religion. It glories in the fact that it is empirical, and by empirical methods it hopes in time to be able to show results comparable to those achieved by the physical sciences. Indeed, it boasts that within the few years of its existence it can already show a large body of notable results obtained. The new science has already a very large literature devoted to it, chairs to teach it have been founded in many of the Universities, and its influence, direct and indirect, is already very considerable.

The subject-matter of the new science is Religion, and by Religion it does not understand God. God and His dealings with men constitute the subject-matter of the traditional theology, but these high matters are not the objects of our observation, experiment, and verification ;

they cannot be the subject-matter of an empirical science. By Religion is here understood 'the conception of a superior authority, whose potency man feels himself constrained to acknowledge and invoke.'<sup>1</sup> Or, according to Professor James, Religion is 'the feelings, acts, and experiences, of individual men in their solitude, so far as they apprehend themselves to stand in relation to whatsoever they consider the divine.'<sup>2</sup> So that Religion is something subjective, 'the feelings, acts, and experiences of individual men,' and it has its seat rather in the affective part of man's nature than in his intellect.

When we survey the whole field of Religion [writes Professor James] we find a great variety in the thoughts that have prevailed there; but the feelings on the one hand and the conduct on the other are almost always the same, for Stoic, Christian, and Buddhist saints are practically indistinguishable in their lives. The theories which Religion generates, being thus variable, are secondary; and if you wish to grasp her essence, you must look to the feelings and the conduct as being the more constant elements.\*

Again, the religious sentiment is

a sthenic affection, an excitement of the cheerful, expansive, dynamogenic order which like any tonic freshens our vital powers. In almost every lecture, but especially in the lectures on conversion and on saintliness, we have seen how this emotion overcomes temperamental melancholy and imparts endurance to the subject, or a zest, or a meaning, or an enchantment and glory to the common objects of life. The name of 'faith-state,' by which Professor Leuba designates it, is a good one. It is a biological as well as a physiological condition, and Tolstoy is absolutely accurate in classing faith among the forces by which men live. The total absence of it, anhedonia, means collapse. We saw examples of this in those sudden raptures of the divine presence, or in such mystical seizures as Dr. Bucke described. It may be a mere vague enthusiasm, half spiritual, half vital, a courage, and a feeling that great and wondrous things are in the air. When, however, a positive intellectual content is associated with a faith-state, it gets invincibly

<sup>1</sup> L. H. Jordan, *Comparative Religion*, p. 217, 1905.

<sup>2</sup> *The Varieties of Religious Experience*, p. 31, 1902.

\* *Ibid.*, p. 504.

stamped in upon belief, and this explains the passionate loyalty of religious persons everywhere to the minutest details of their so widely differing creeds. Taking creeds and faith-state together, as forming 'religions,' and treating these as purely subjective phenomena, without regard to the question of their truth, we are obliged, on account of their extraordinary influence upon action and endurance, to class them amongst the most important biological functions of mankind.<sup>1</sup>

Mr. Jordan writes :—

As the result of prolonged and varied studies [the Science of Religion] has reached certain definite conclusions, which it now offers to all who are willing to examine them. It teaches that the earliest and fundamental revelation which God makes of Himself to man is an inner revelation—a revelation in conscience, a revelation that has its seat in the very being of man. Accordingly, Religion does not reveal itself merely in the chance ejaculation of the lips ; it is the natural and necessary outcome of the very life which throbs within a man's breast. Religion is not a matter of mere heredity ; it is rather a personal exercise by the soul of those abilities which belong to its separate and responsible self. Religion is not a speculation—a mental abstraction in which the secluded mystic may find recompense for his withdrawal from the world, it is in all cases a life, varying in its intensity, but invariably real and practical, and ever willing to expend itself in the service of others. Religion is not an abnormal or accidental experience, but one that is fundamentally characteristic of the human race. The various faiths of the world are but the evolution of an original constituent principle of humanity. Religions are diverse ; but Religion itself, like the air which man inhales, and which everywhere enswathes him, is one. It is just because of the existence in man of this basal and all-pervasive sentiment that, everywhere and always, he has striven to satisfy the cravings of his distinctly religious emotions. No objective supernatural revelation is required in order that man should exhibit the propensities of a profoundly religious being ; for, wholly independent of such a revelation, he cannot live without making at least some response to that unmistakably religious instinct which has been begotten within him. A man can no more help being religious than he can help eating or breathing. Principal Fairbairn puts the case very strongly when he writes : ' Religion is so essential to man, that he cannot escape from it. It besets

<sup>1</sup> Professor James, *op. cit.* pp. 505, 506.

him, penetrates, holds him even against his will.' Religion is for man—and hence for all men—a psychological necessity: it is universal. Religion is not a perishable commodity. The religious sentiment is an inextinguishable sentiment—an element of human nature as universal, as ineradicable, as the fact of sex. The Science of Comparative Religion has helped to diffuse a clearer understanding of what religion really is. It is the central, essential, and eternal thing in human life. It is the deepest, strongest, and most universal interest of man. It accompanies him from the cradle to the grave.<sup>1</sup>

It is not necessary to point out how widely and essentially different in this theory of the nature of Religion from that of Catholic theology which teaches that it is a moral virtue by which we pay due worship to God, our Creator and Lord. Not that the Science of Religion leaves out of consideration the divine element in Religion. Some conceptual idea of the divine is necessarily present in the mind when religious sentiments are evoked. But that concept may be of the vaguest and most indefinite. Often it is no more than an uneasy feeling of something being wanting, a dreamy longing for the infinite. A perception of the grandeur and power of nature in the starry sky, or in a storm at sea, or in an earthquake is quite sufficient. Religious experiences are indeed, as Professor James tells us, only psychological phenomena. They possess, it is true, enormous biological worth. Spiritual strength really increases in the subject when he has them, a new life opens for him, and they seem to him a place of conflux where the forces of two universes meet; and yet this may be nothing but his subjective way of feeling things, a mood of his own fancy, in spite of the effects produced.<sup>2</sup>

If the philosophic student of the Science of Religion is asked whether any objective reality different from the subject who feels them is the cause of religious experiences, so that from them we can logically conclude to the existence of a God :—

Dogmatically to decide this question [says Professor James] is an impossible task. The cultivator of this science has to

<sup>1</sup> *Comparative Religion*, pp. 335, 339, abridged.

<sup>2</sup> *Op. cit.* p. 509.

become acquainted with so many grovelling and horrible superstitions that a presumption easily arises in his mind that any belief that is religious probably is false. The consequence is that the conclusions of the Science of Religions are as likely to be adverse as they are to be favourable to the claim that the essence of religion is true.

In another place, the same author adds :—

It is in answering these questions [concerning the reality and the nature of the objectively divine element of religious experiences] that the various theologies perform their theoretic work, and that their divergences most come to light. They all agree that the 'more' really exists; though some of them hold it to exist in the shape of a personal god or gods, while others are satisfied to conceive it as a stream of ideal tendency embedded in the eternal structure of the world. They all agree moreover that it acts as well as exists, and that something really is effected for the better when you throw your life into its hands. It is when they treat of the experience of 'union' with it that their speculative differences appear most clearly. Over this point pantheism and theism, nature and second birth, works and grace and karma, immortality and reincarnation, rationalism and mysticism, carry on inveterate disputes.\*

The utmost that the scientific student of religions can do is to make hypotheses, more or less satisfactory, which will largely represent his own personal overbelief, while partially accounting for the phenomena; but however helpful they may be to himself, he cannot impose these hypotheses on others. According to Mr. Jordan, the Science of Religions 'does not regard as ultimate and absolute, the results which it is able to announce: its conclusions are admittedly relative. The goal of this science, as of all sciences, lies ever in the future.'<sup>2</sup>

The discovery [he says in another place] that the non-Christian religions have aims and resources and excellences which were hitherto undreamed of, suggests that a deliberate comparison of Christianity with the various members of this group is by no means a fruitless task. Some Religions, all are agreed, are better than others; some one of them, it is most probable, is superior to all its contemporaries; but *which Religion is actually the best?* Such a question, soberly and

\* *Op. cit.* p. 490, abridged.

<sup>2</sup> *Ibid.*, p. 510.

<sup>3</sup> *Op. cit.* p. 64.

truthfully answered, will mean an invaluable gain to a man, upon whomsoever the query may be pressed ; for such a one will thereafter ground his beliefs upon firmer and more enduring convictions. In many a case, as one cannot but believe such enquirers will be led deliberately to purify a Religion which, while they felt themselves incapable of surrendering it, they now discern to be unquestionably outdistanced in various particulars by several other Religions—Religions of which they have known all too little, and which accordingly they have all too lightly esteemed. As a consequence a progressive type of faith will take the place of empty formalism, whether Christian or non-Christian.<sup>1</sup>

There is no necessity on the principles of the Science of Religion for this progressive type of Religion to be the same for all men. Rather the contrary. Professor James puts and answers the question :—

Ought it to be assumed that in all men the mixture of religion with other elements should be identical ? Ought it indeed to be assumed that the lives of all men should show identical religious elements ? In other words, is the existence of so many religious types and sects and creeds regrettable ? To these questions I answer 'No,' emphatically. And my reason is that I do not see how it is possible that creatures in such different positions and with such different powers as human individuals are, should have exactly the same functions and the same duties. No two of us have identical difficulties, nor should we be expected to work out identical solutions. The divine can mean no single quality, it must mean a group of qualities, by being champions of which in alternation, different men may all find worthy missions. Each attitude being a syllable in human nature's total message, it takes the whole of us to spell the meaning out completely. So a god of battles must be allowed to be the god for one kind of person, a god of peace and heaven and home, the god for another.<sup>2</sup>

Indeed, on the principles of the Science of Religion, polytheism may, after all, be true. Professor James says on this point :—

The ideal power with which we feel ourselves in connection, the 'God' of ordinary men, is both by ordinary men and by philosophers endowed with certain of those metaphysical attributes which in the lecture on Philosophy I treated with

<sup>1</sup> *Op. cit.* p. 408.

<sup>2</sup> *Op. cit.* p. 486.

such disrespect. He is assumed as a matter of course to be 'one and only' and to be 'infinite;' and the notion of many finite gods is one which hardly anyone thinks it worth while to consider, and still less to uphold. Nevertheless, in the interests of intellectual clearness, I feel bound to say that religious experience, as we have studied it, cannot be cited as unequivocally supporting the infinitist belief. The only thing that it unequivocally testifies to is that we can experience union with *something* larger than ourselves and in that union find our greatest peace.<sup>1</sup>

Evidently we must not expect that the new Science of Religion will solve for us the deeper problems of theology. Still, Mr. Jordan puts to its credit some notable achievements. Religion has at last, he says, been made a subject of exact study, a clearer understanding has been reached as to what Religion really is, the legitimate place of mysteries in Religion has been recognized and conceded, a more adequate interpretation has been put upon the various forms, alike Christian and non-Christian, which Religion has been found to assume, an improved conception of the Supreme Being and of His essential relation to man has been gained, a conspicuous enlargement of charity and toleration for those who profess forms of Religion different from our own is a most beneficial result, together with a new Apologetic and a sounder Dogmatic.<sup>2</sup> Whether, in fact, these results have been obtained, and what should be our estimate of their value, will of course depend on the point of view which is adopted.

The foregoing analysis of the nature, method, aim, scope, and results, actual and prospective, of the new Science of Religion is chiefly set forth in the very words of two of its most representative and accredited exponents. Professor James and his Gifford Lectures need no introduction to the reader. Mr. Jordan has for many years been a student of the Science of Religion. He has a thorough acquaintance with the voluminous literature of the subject, and he has travelled over the world in order to obtain a first-hand knowledge of the principal religious systems.

<sup>1</sup> *Op. cit.* p. 524.

<sup>2</sup> *Op. cit.*, chaps. x., xi.

His book is furnished with an appreciative introduction by Principal Fairbairn. The exposition of the subject which I have given in the words of two such representative writers will serve the chief purpose of this paper. That purpose was to lay bare the roots of liberal theology, especially of the liberal theology of that small school of Catholic writers who have been so much in evidence of late years. They are indebted for their terminology, for their ideas, and for many of their principles to the new Science of Religion. Where the ordinary Catholic speaks of 'feelings of devotion,' the liberal Catholic writer will speak of 'religious experiences,' or of 'mystical raptures,' making use of that profane novelty of words which has always been suspect in the Catholic Church. But when we see writers not content with a new and heterodox phraseology, boldly proclaiming the necessity of re-interpreting religious truth in the terms of modern thought in order to make the Christian religion acceptable to the modern religious consciousness, accepting the principle of evolution of doctrine, girding at approved theologians for their obstinate and blind adhesion to traditional dogmas, ridiculing the received Apologetic of the Catholic Church, explaining revelation as an inner experience of religious geniuses, we know that they are writing not as Catholics should write, but according to the empirical and naturalistic principles of the Science of Religion. Such language and such ideas are out of harmony with the Catholic system; they form part of a consistent theory in the Science of Religion. It is not necessary to point out in detail how false those ideas and principles are, the above exposition will be sufficient for the Catholic reader. I may, however, be permitted to make one or two observations before concluding.

The first stage in the formation of an empirical science is the collection and arrangement of specimens or facts. For more than thirty years innumerable workers in all the countries of Europe and of America have been engaged in collecting and sorting the religious experiences of mankind. The monuments of the early history of the East, the Greek and Roman classics, the *Corpus Inscriptionum*,

travellers' records of the beliefs and customs of barbarous tribes, modern folk-lore, and other sources of information, have been laid under contribution to furnish the material for the new science. One of the results of this process has been to bring into prominence a certain superficial resemblance between the religious experiences of mankind in very different stages of civilization, living widely apart under different religious systems, and in wholly different conditions. Many of the writers on this branch of knowledge, take a pleasure in using the religious terminology of the Catholic Church in their descriptions of the similar sacred rites and ceremonies of barbarous and heathen nations. The implication is that the Catholic religion is a mere synthesis of pagan superstitions and practices. Sometimes these writers are not content with hinting at this conclusion, they boldly express it. I will take an example of what I mean from Dr. Frazer's recent book entitled, *Adonis, Attis, Osiris*. The learned author therein describes a very widespread custom among barbarous and primitive peoples of holding a festival towards the end of every year, at which the souls of departed kindred were supposed to be present and regale themselves. He suggests that this custom is the origin of the Catholic feast of All Souls, and among other survivals of primitive custom in connexion with the feast, he mentions the following :—

A very common custom in Belgium is to eat 'soul-cakes' or 'soul-bread' on the eve or on the day of All Souls. The eating of them is believed to benefit the dead in some way. At Dixmude and elsewhere they say that you deliver a soul from Purgatory for every cake you eat. At Antwerp they give a local colour to the soul-cakes by baking them with plenty of saffron, the deep yellow tinge being suggestive of the flames of Purgatory. People in Antwerp at the same season are careful not to slam doors or windows for fear of hurting the ghosts.<sup>1</sup>

Dr. Frazer's authority for these details are certain German books which he cites in a foot-note. There is, of

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<sup>1</sup> *Op. cit.* p. 249.

course, no *a priori* impossibility in such superstitions. Primitive customs die hard, and all sorts of curious survivals are met with all over the world. The Church, of course, cannot be held responsible for superstitions which endure in spite of her condemnation. It is merely a question of fact. When I showed the above passage to a friend, a native of Antwerp, who has lived almost all his life in Belgium, he burst out laughing, and said : ' Stuff and nonsense ; I never saw or heard of anything of the sort.' This suggests the necessity of using the critical faculty in the testing of material for the Science of Religion furnished by travellers and folklorists. By the cultivators of that science the unsupported tales of such witnesses are received without question, while the Gospel narrative is subjected to the most searching criticism.

Of course the existence of a certain superficial similarity between Catholic doctrine, rites, and ceremonies, and those of other religions, is no new discovery. It was a difficulty urged against the first apologists of the Christian faith as it is urged against the Church to-day. A satisfactory answer is not far to seek. Catholics willingly allow that there is some truth in all religious systems ; religious feelings and certain ways of giving vent to them are natural to man, and the Church never hesitated to use a rite or a ceremony in the worship of the true God if it suited her purpose, even if it was also used by idolators. The Fathers called this process ' spoiling the Egyptians.' The Church, without doubt, instituted certain Christian feasts, and celebrated them on the days which were sacred to pagan deities, in order to wean the people from the worship of idols. The essence of Catholicism does not lie in such matters, but in the great body of true doctrine which it teaches, and which is partly attainable by natural reason, partly the gift of divine revelation.

Besides a want of criticism in the selection of material for the Science of Religion in some cultivators of that science, I may point out a certain inability to interpret Catholic religious facts correctly. My first example of this shall be taken from the same work of Dr. Frazer. He

there draws a parallel between the lofty<sup>1</sup> primitive ideals of Christianity and Buddhism, and the subsequent decline in both cases. On this subject he writes :—

But the austere ideals of sanctity which they inculcate were too deeply opposed not only to the frailties, but to the natural instincts of humanity, ever to be carried out in practice by more than a small number of disciples, who consistently renounced the ties of the family and the state in order to work out their own salvation in the still seclusion of the cloister. If such faiths were to be nominally accepted by whole nations or even by the world, it was essential that they should first be modified or transformed so as to accord in some measure with the prejudices, the passions, the superstitions of the vulgar. This process of accommodation was carried out in after-ages by followers who, made of less ethereal stuff than their masters, were for that reason the better fitted to mediate between them and the common herd. Thus as time went on, the two religions, in exact proportion to their growing popularity, absorbed more and more of those baser elements which they had been instituted for the very purpose of suppressing. Such spiritual decadencies are inevitable. The world cannot live at the level of its great men. Yet it would be unfair to the generality of our kind to ascribe wholly to their intellectual and moral weakness the gradual divergence of Buddhism and Christianity from their primitive patterns. For it should never be forgotten that by their glorification of poverty and celibacy both these religions struck straight at the root not merely of civil society but of human existence. The blow was parried by the wisdom or the folly of the vast majority of mankind, who refused to purchase a chance of saving their souls with the certainty of extinguishing the species.<sup>1</sup>

It is obvious that, with regard to the Christian doctrine, Dr. Frazer fails to make the important distinction which is clearly contained in the Gospels between the Commandments which were imposed by Christ on all, and the Counsels of Perfection which He well knew would be followed only by the select few, and without any danger of extinguishing the species.

I cannot refrain from taking another example of inability to explain Catholic religious facts from Professor James. In his *Varieties of Religious Experience*, this writer gives

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<sup>1</sup> *Op. cit.* pp. 202, 203.

what he conceives to be the explanation of the saintly character. He finds the gist of the explanation in emotional excitement, which has the effect of inhibiting the lower and baser propensities of human nature. One of the characteristics of the saintly character is the total self-surrender of the saint into the arms of the higher power. This leads him to self-renunciation, self-sacrifice, and the practice of asceticism. Under this head Professor James treats of the vows of religious life, and tries to explain how it is that some people do such very unnatural things as bind themselves to obey another, and renounce the right of ownership of property. I have only space for what he says about obedience :—

I confess [he writes] that to myself it seems something of a mystery. Yet it evidently corresponds to a profound interior need of many persons, and we must do our best to understand it. On the lowest possible plane, one sees how the expediency of obedience in a firm ecclesiastical organization must have led to its being viewed as meritorious. Next, experience shows that there are times in everyone's life when one can be better counselled by others than by one's self. But leaving these lower prudential regions, we find, in the nature of some of the spiritual excitements which we have been studying, good reasons for idealizing obedience. Obedience may spring from the general religious phenomenon of inner softening and self-surrender and throwing one's self on higher powers. So saving are these attitudes felt to be that in themselves, apart from utility, they become ideally consecrated ; and in obeying a man whose fallibility we see through thoroughly, we, nevertheless, may feel much as we do when we resign our will to that of infinite wisdom. Add self-despair and the passion of self-crucifixion to this, and obedience becomes an ascetic sacrifice, agreeable quite irrespective of whatever prudential uses it might have.<sup>1</sup>

It is not difficult to see that here Mr. James has missed the whole gist of the matter. The merely subjective reasons for religious obedience which he lays down probably never decided a single religious vocation. The true explanation of religious obedience is the teaching and example

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<sup>1</sup> *Op. cit.* p. 311.

of Jesus Christ. He proposed His own example of obedience, even unto death, as the model which all Christians were to follow in matters which are of precept for all, and a model which those who were called to the practice of the counsels would follow in the pursuit of perfection. The true explanation of the very difficult practice of religious obedience lies in the example, love, and desire to imitate Jesus Christ.

The foregoing examples of gross credulity and failure in the obvious interpretation of religious phenomena, taken from the very élite of the cultivators of the Science of Religion,—and they could easily be multiplied,—suggest the following observation. Here we are concerned with the very foundations of the new science. The worth of any conclusions which may subsequently be drawn, depends entirely on the accuracy of the facts recorded, and on the correct interpretation of those facts. And yet we find these eminent pioneers of the science blundering in questions of fact, which are capable of easy verification, and which belong to a religious system which is flourishing under their very eyes. What probability is there that the explanations which they give us of the religious beliefs and practices of primitive peoples represent anything more solid than the dreams and fancies of learned pedants ?

T. SLATER, S.J.

## EVOLUTION: KANT AND THE LOISY THEORY OF THE EVOLUTION OF CHRISTIANITY <sup>1</sup>—II

**H**OW often does it not happen that after a wave of infidelity or after the promulgation of some new philosophical or scientific hypothesis, which creates fresh difficulties in the way of faith, a number of Catholic apologists, keenly sensitive to the charge that the faith which they profess is irreconcilably opposed to science and cannot be accepted by scientific or educated men, seek to establish revealed religion on a new basis, or to revolutionize the traditional sense in which the truths of faith have been understood, and to read into the old ecclesiastical formulas the spirit of the new scientific hypothesis ; only to find that the new theory, in great part, is soon rejected by the scientific world and that whatever is sound and abiding in it can, with some patience and some changes in non-essential scholastic or historical views, be harmonized with or assimilated by traditional Catholic Christianity. Traditionalism proposed a new method for re-establishing Christianity on the ruins of eighteenth-century infidelity. Ontologism suggested a different cure for the philosophic ills of its day. Hermes and Gunther sought to infuse the spirit of German philosophy into the venerable formularies of Catholic antiquity. I suppose I am safe in saying that at various troubled epochs in the Church's chequered history, there were not wanting Catholic apologists who thought that revealed religion was receiving, just in their time, a shock such as it had never sustained before ; that

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<sup>1</sup> 'The Rights' and Limits of Theology,' *Quarterly Review*, October, 1905.

*Lex Orandi, or Prayer and Creed.* By George Tyrrell, S.J. Longmans, Green & Co.

*Lex Credendi.* A Sequel to *Lex Orandi.* By George Tyrrell. Longmans, Green & Co.

*A Much-Abused Letter.* By George Tyrrell. Longmans, Green & Co.

*L'Evangile et l'Eglise.* Par Alfred Loisy. Chez l'Auteur.

*Autour D'Un Petit Livre.* Alfred Loisy. Paris: Alphonse, Picard et Fils, Editeurs.

the bark of Peter had never before ploughed such stormy seas; that theologians had wantonly and to an impassable degree widened the chasm which seemed to separate science and faith; that a reconciliation was possible between faith and science, theologians and scientists, only by a drastic change in the interpretation of our creeds and by assigning to these old formularies a revolutionary scientific signification unknown to antiquity. Protestants acclaimed them as the most intellectual men in the Catholic Church, the most educated, the holiest, the greatest theologians; or if it suited their purpose, they pointed to these controversies as proofs that Catholics were no less divided in faith than Protestants. But these crises have passed away: the old Creeds remain: all that was sound and abiding in the new learning remained and lives in peace and good citizenship with the truths of faith, but much that was highly valued in the times of controversy has since been declared unacceptable after more mature philosophical and scientific examination: while the Church occasionally has had to mourn, not indeed, unless very rarely, the departure from out her fold of some of the zealous if mistaken apologists, but their absence from the position of honour and trust and usefulness which they should occupy in the ranks of her defenders.

It was inevitable that history should repeat itself before the evolution and biblical controversies had run their course; that we should have to listen again to the old story from non-Catholics and certain Catholic apologists, that the Catholic Church has been, at every period of scientific awakening, the irreconcilable foe of science; that she is put by her theologians into a position of antagonism to scientific thought; that educated Catholics can no longer reconcile their scientific convictions with the truths of faith as interpreted by the theologians, and that if they remain in the Church they calm their consciences and reconcile their faith and science only by inventing private, non-natural interpretations of the Church's formularies; that theologians by their definitions have placed an insuperable barrier to the acceptance of Catholic

Christianity by non-Catholic scientists and educated non-Catholics generally.

Supplementing the Darwinian theory of the origin of species and descent of man by natural selection, some of our Catholic apologists have been essaying, without explicitly avowing it, a genesis of Catholic Christianity by natural selection. I have already, in this journal,<sup>1</sup> instituted a comparison between Darwin's theory of the origin of new species by natural selection and the theological system of the Abbé Loisy. Any description however of the theological system of the school of the Abbé Loisy would be incomplete, which failed to take account of its indebtedness to the philosophy of Kant. I will therefore supplement in the present, my former article, and will endeavour to show how, starting from a Kantian beginning, the new theory of apologetics, *l'apologétique d'immanence*, proposes to explain the origin of the present form of Catholic Christianity and Catholic dogmas, not by supernatural revelation addressed to the intellect, not by direct divine establishment, not by the evolution of explicit truth from the implicit by the intellectual activity of the Church under the guidance of the Holy Ghost, but by the variation of *spiritual life* and by the survival of the fittest variety of spiritual life in the struggle for existence. My article, so far as it deals with the evolutionary side of the new theory, will of necessity cover a good deal of the ground already gone over in my former article.

# I.

Reviewing the work of Dr. White on the history of the warfare of science with theology in Christendom, the writer in the *Quarterly Review* maintains that there is not and never has been any conflict between science and 'revealed religion;' nor between science and 'theology,' except such conflicts as exist from time to time between one science and another; that the conflict is solely between science and the so-called pseudo-science, 'dogmatic

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<sup>1</sup> I. E. RECORD, June, 1906.

theology.' The reviewer is severe on 'dogmatic theology'; he proposes to us a new conception of Christianity which shall not offend against natural science; and I will ask my readers, in the words of Hamlet, 'to look here on this picture and on this,' to compare the traditional conception of Catholic Christianity, which is already familiar to them, with this new scientific and evolutionary conception of revelation, revealed religion and faith, of inspiration and inspired writers, of mysteries and the defined doctrines generally of the Church, of her sacrifice and sacraments. But I will first present briefly the Reviewer's estimate of 'theology' and 'dogmatic theology.'

#### [THEOLOGY AND DOGMATIC THEOLOGY]

'Theology' is understood by the Reviewer, in the sense of the *theologia naturalis* of our text-books, to be 'the philosophical construction of the other world which has been built up from the data of general experience by the reflection and labour of the understanding and which belongs to the unity of the whole system of our organized knowledge.'<sup>1</sup> With natural theology he has no quarrel, if it be not that, for reasons to be stated farther on, he objects to its being called 'natural.' Natural theology must have existed in some rude, primitive, imperfect form, at all times. Its chief recommendation, in the opinion of the Reviewer, seems to be that it confines itself to appealing to the intellect and to seeking to establish its conclusions on a scientific basis; that it issues no oracles or binding doctrinal decisions, that it delivers no condemnatory judgments and pronounces no sentences of heresy. A student of natural theology is free to refute Kant or Comte or Hegel, if he is able and if he wishes; or if he be a disciple of one of these masters he may dispute the natural theological conclusions of Thomas Aquinas; but the conflict between 'theology' and science, or between rival schools of 'theology,' will be only such a conflict as may exist from time to time between different sciences, or between different schools in relation to the same science.

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<sup>1</sup> *Quarterly Review*, p. 481.

'Dogmatic theology' the Reviewer calls 'a pseudo-science'; and I may observe that there is a difference of opinion among theologians as to whether dogmatic theology can be regarded a science in the strict Aristotelian sense. Even the specific province of dogmatic theology is not defined in the same way by all. Some seem to suppose that the principal doctrines of the Creed are pre-supposed by dogmatic theology as premisses, and that its function is to evolve their concealed implications; but guided by the practice of Catholic schools we may say that dogmatic theology proves some of the truths of faith from explicit texts of Scripture, others by comparing and combining various less clear texts of Scriptures and different defined doctrines, and others by combining revealed and natural premisses; but theological assent, as distinct from the assent of faith, is founded not on divine authority alone, but on the validity of the process by which the conclusions are proved to be contained in divine revelation. This however does not affect the present question; as the apologists of the school of immanence scarcely differentiate between dogmatic theology and faith as traditionally understood, and regard all the doctrines of the Creed, as defined by the Church and proposed for our intellectual assent, as the work of the dogmatic theologians. They cannot endure that God should be said to have revealed truths which represent the divine mind and the divine knowledge as a philosophy or science represents the knowledge of the human mind, or that He be said to have supplemented the efforts of the human mind and informed the human intellect supernaturally as a master might supplement the efforts of his pupils; or that these revealed doctrines should be said to have a definite and absolute meaning for the human mind; or, what is worse, that these truths and the conclusions deduced from them should be imposed on the mind under pain of heresy.

When theologians [writes the reviewer<sup>1</sup>] take the dogmas or articles of the creed and use them as principles or premisses of argumentation, when they combine them with one another,

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<sup>1</sup> *Quarterly Review*, p. 463.

or with truths outside the domain of faith, so as to deduce further conclusions to be imposed on the mind under pain of at least 'constructive' heresy, the resulting doctrinal system is what is here meant by dogmatic theology. . . . To take revelation as representing the divine mind in the same way as a philosophy or science represents the human mind; to view it as a miraculously communicated science, superseding and correcting the natural results of 'theological' speculation (i.e., of natural theology), is the fundamental mistake of 'dogmatic theology'.<sup>1</sup> . . . Yet it is all but impossible to imagine the Christ of the synoptics, the advocate of the poor and simple against the intellectual tyranny of lawyers, scribes and theologians, attaching the slightest religious value to the theologically correct formulation of the inscrutable mysteries prophetically symbolised by the Heavenly Father, the Son of Man, the Kingdom of God, etc., or making salvation to depend on any point of mere intellectual exactitude.

#### RELIGIOUS LIFE, REVELATION, AND FAITH

But if God has communicated no knowledge supernaturally to the human mind, if we possess nothing higher than the results of natural theological speculation, what is revelation and what is divine faith? Here we approach the consideration of the Kantian origin of religion according to the new immanent theory and of its subsequent variations and transformations by natural selection. Life, it is observed, manifests itself in the physical world by immanent movement. It has ascended, evolutionists inform us, by natural selection from the lowest vegetable organism, through various species of plants and animals, until it has found, thus far, the highest term of its development in man. This evolution, observes the immanent school, is not a development or increase of life merely *quoad nos*, as theologians teach of the development and increase of the deposit of faith; nor is it effected by any intellectual process, by syllogisms, by explaining and proving and making explicit the hidden implications of the original fund; but by the internal growth and expansion and differentiation, by variation and transformation, of the original deposit of life. At various periods, no doubt,

<sup>1</sup> *Ibid.* p. 467.

<sup>2</sup> *Ibid.* p. 468.

men have studied hard to formulate a scientific theory of the development of life ; but it is not the theories that have effected the evolution of life ; rather is it organic evolution, we are told, that determines the permanence and acts as a selector of theories, rejecting the weak and preserving the strong and the fittest to survive and co-exist with the corresponding expansion and evolution of scientific theory and terminology in the general field of natural science. It is further supposed by the immanent school that man might have lived for a considerable period a non-moral, non-religious life. But in the final specific stage of evolution 'religious life' entered on the scene and commenced its career of variation, transformation and natural selection, analogous to the evolution of species in physical life ; and in due time the religious sense applied itself to formulate a theory of the new 'life,' and so we come to the religious 'life,' revelation and faith.

The writer in the *Quarterly* approaches the exposition of his theory of revelation and religion by observing that

It may here be assumed that the divine which is immanent in man's spirit does naturally and inevitably at a certain stage of his mental and moral progress, reveal itself to him, 'however dimly, as a *vita nuova*, a new sort of life, the life of religion, with its needs and its cravings for self-adjustment to realities lying beyond the bourne of time and place. . . . It is chiefly and more immediately as a determinant of conduct, as consciousness of right and wrong, that this manifestation of the divine will is experienced.<sup>1</sup>

But we seem to be far off yet from any intelligible explanation of divine revelation and faith, or of the life of religion. How can we discern among the implications of a consciousness of right and wrong, of a spiritual impulse, of a sympathetic response to good and antipathy to evil, supernatural revelation, supernatural religion, and the germ of Christianity ? What is divine revelation according to the teaching of the immanent school ? what the life of religion and divine faith ? how does the immanent school's

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<sup>1</sup> *Quarterly Review*, p. 463.

conception of revelation and theology differ from the traditional conception of revelation and revealed theology?

To understand the Reviewer's conception of divine revelation we must observe that in expounding his theory of the religious 'life,' he distinguishes throughout between (1), the spiritual impulse, the sympathetic response to good, the preference of one course of action to another; (2), the effort to formulate a theory of this progressive spiritual impulse *in order to satisfy the needs of the religious sense*; and (3), the scientific exposition of religion *to satisfy the needs of the understanding*, which forms the work of natural theology.

The consciousness of right and wrong, the spiritual impulse and sympathetic response to good, he calls *active* revelation, and the theory invented to explain these phenomena he calls *objective* revelation.

[ What revelation (considered actively as the self-manifestation of the divine in our inward life) first defines for us is a certain way or mode of life, action and conduct. It is only later, and in the second place, that our intelligence begins to reflect on this process and tries to picture it and understand it, to invent a philosophy or a history to explain it, and still more for the practical purpose of registering or fixing our experiences, of communicating them and comparing them with those of others,<sup>1</sup> . . . So far, then, revelation (considered objectively) is a knowledge derived from, as well as concerning, the 'other world,' the supernatural. But its derivation is decidedly indirect. What alone is directly given from above, or from beyond, is the spiritual craving or impulse with its specific determination, with its sympathetic and antipathetic responses to the suggestions, practical or explanatory, that are presented to it, whether casually or by the industry of the reflective religious intelligence.<sup>2</sup>

And if it be asked how far are these revelations divinely authorized, or what sort of truth is guaranteed by the 'seal of the spirit,' the Reviewer answers:—

In accordance with what has been already said we must answer—a truth which is directly practical, preferential, approximative, and only indirectly speculative. What is immediately

<sup>1</sup> *Ibid.* p. 464.

<sup>2</sup> *Ibid.* p. 465.

approved, as it were experimentally, is a way of living, feeling, and acting with reference to the other world. The explanatory and justificatory conceptions sought out by, or even forced spontaneously from, the mind, as postulated by the 'way of life,' have no direct divine approval; they are at best a purely natural reaction of man's mind to a supernatural stimulation of his heart. Again, the divine approval of the way and the life (and therefore indirectly of the explanatory truth) is mostly preferential, it is a favouring of one alternative, not as ideal and finally perfect, but as an approximation to the ideal, as 'a move in the right direction.'<sup>1</sup>

We may fairly then describe this theory as follows. At a particular point in the course of human evolution man became conscious of a new 'life,' the life of religion, which was revealed to him by consciousness of 'right and wrong,' 'a certain way or mode of life,' 'a spiritual craving or impulse,' 'sympathetic and antipathetic responses to suggestions,' 'a supernatural stimulation of the heart.' We are not told whether this 'consciousness of right and wrong' is an intellectual act or not; whether 'a spiritual craving or impulse' presupposes an intellectual cognizance of the object craved or to which we are impelled; whether 'sympathetic responses to suggestions' mean responses to reason and conscience or to some blind impulse; nor are we told what is meant by a 'supernatural stimulation of the heart.' However, the theory is that at some period of human evolution man became sensible of this new 'life,' manifested by a consciousness of right and wrong, by a spiritual impulse, by a supernatural stimulation of the heart. There was a preference of one line of conduct to another, the favouring of one alternative; perhaps preferring the social life to an individualistic or egotistic life, preferring love to hatred, justice to injustice, truth to falsehood, etc. At no stage of human evolution was the ideal attained; each advance was but 'a move in the right direction.' The beginning of religious 'life,' revealed by the first consciousness of right and wrong, by the first spiritual impulse, the first preference of one line of action

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<sup>1</sup> *Quarterly Review*, p. 467.

to another, was the real original *depositum fidei*, which has been developing continuously, not in the dust of the schools by intellectual activity, by the syllogisms of theologians trying to unfold and make explicit the secret implications of a revelation supposed to have been made to the mind, but by the natural movement of 'life,' and by its variations and transformations; for with the growth of physical life and culture and civilization in the several countries the religious 'life,' the religious sense and the relation to the ideal have grown and expanded and varied and become transformed. *This life is supernatural revelation actively considered*; which alone has divine approval. But it is necessary to formulate a theory of this life; and religious theories have varied and become transformed *pari passu* with the variations and transformations of the religious 'life' itself, which acts as selector of these theories. At one time the theory of polytheism was accepted. This was succeeded by monotheism. This in turn varied into monotheism plus distinction of persons. Then there succeeded belief in the Incarnation, in the Church, in the Sacraments, etc. But these truths, *as truths of faith*, are not referred to the intellect, as we shall see presently: they are not affirmed to be true or false in relation to the intellect: they are referred solely to the religious sense, whatever that may be, to register for the benefit of posterity present experiences, the degree of evolution of the religious life at a particular time, and to foster the religious life itself. These theories are *divine revelation objectively considered*. They are said to be the natural reaction of man's mind to the supernatural stimulation of the heart; and they are also said to be indirectly sanctioned from on high, I suppose because they are conceived to express faithfully for the religious sense the spiritual 'life' of the past and present.

2. It should be easy, from the preceding exposition, to anticipate the answer which the immanent school would give to the questions, what is faith? and what is the life of religion? Supernatural divine faith and the religious life, they would say, consist in the adhesion of the whole

man to the divine spirit within, called also an inspiration of grace, manifested to us by the spiritual impulse forward, by the sympathetic response to good, by the aiming always at the ideal, at the finally perfect.

Concurrently with this transformation of revelation into a revealed theology [writes the Reviewer<sup>1</sup>] there arises a parallel and dependent perversion of the notion of faith into that of theological orthodoxy. Faith is now an intellectual assent to this revealed theology as deriving directly from the divine intellect; it is no longer the adhesion of the whole man, heart, mind and soul, to the divine spirit within—primarily a spirit of life and love, and only thereby a guide or beacon leading the mind gradually to a fuller instinctive apprehension of the religious truth implicit in the inspirations of grace.

3. To sum up what has been said and to compare the new and the traditional teachings about theology and revelation: the immanent school of apologetics understand by 'theology' what is usually called 'natural theology.' It is an important part of universal systematized knowledge. It answers a necessity of the intellect and treats of God, the world, and ethics in a scientific manner. It must take cognizance scientifically of the phenomena of the religious 'life' as well as of the physical 'life.' But this natural science, they say,

will be always liable to revolutions according as the accumulation of its own proper sort of experience calls for restatements of its theories and conceptions and also owing to the progress of the whole complexus of knowledge whereof it is a part or member. Nor will mere patchings and lettings-out suffice; there must be transformations, the dying of form into form, the new containing the old virtually and effectively, explaining as much and far more, but altogether differently, and not merely by an extension of the same principle of explanation.<sup>2</sup>

To pass from natural theology to revelation: Revelation considered *actively* is interpreted by the immanent school to mean the subjective manifestation in man of a new 'life' distinct from the physical life, viz., the 'life' of religion, consciousness of right and wrong, a spiritual

<sup>1</sup> *Quarterly Review*, p. 469.

<sup>2</sup> *Ibid.* p. 488.

impulse, sympathetic response to good and antipathetic response to evil ; and *objectively* considered, it is the theory or theories formulated to explain for the religious sense the phenomena of the religious life. This latter—revelation objectively considered—requires a little further explanation. What is the 'religious sense' to which these explanations are referred? What determines the selection of words, such as God, Creator, Persons, Incarnation, and the articles of the Creed? What is the value of the theories formulated to explain the phenomena of the higher life?

The immanent apologists do not explain what they mean by the religious sense. It is not the intellect nor the will. They seem to suppose a religious sense such as was conceived by the sentimentalist school of Jacobi in Germany; a sort of instinct to accept religious truths, even though they be proved or thought to be proved absolutely false and philosophically impossible by our speculative reason.

How are the terms and the articles of the religious creed selected? As everyone has the power of shaping some rudimentary language for himself, so, we are told by the Reviewer, revelation in the above sense is accorded to most men. But we are not obliged to shape for ourselves a rudimentary language, as we find languages already existing; and similarly few are called on to exercise the gift of objective revelation to any considerable degree, as 'religious tradition and education are usually beforehand to wake up the religious need and to overwhelm it with the treasures of the collective spiritual experience and reflection of the past.'<sup>1</sup> Revelation, it is said, is largely expressed in the language of real history, philosophy, and natural theology; but the religious sense has also invented for itself and has clothed itself in ideal and unreal historical narratives and in unsound philosophical and theological theories, in symbols, parables, and fictions. What, according to the Reviewer, is the value, *in relation to the intellect*, of this 'objective revelation'? How are we to represent *in relation to real, fact-truth*, the articles

<sup>1</sup> *Ibid.* p. 468.

of the creed? Theology, that is, natural theology, we are told, is intended to satisfy an intellectual want, and may generate intellectual certainty. But what is the *intellectual* value of the articles of the creed, say, of the Trinity, the Incarnation, the descent of Christ into hell, His resurrection and ascension into heaven? Religion, we are told, without some sort of dogmas, some sort of beliefs and symbols of the other world, is as impracticable as ordinary life would be without some rude practical knowledge of ourselves and our surroundings; but what is the nature and value of these dogmas? As we have seen, 'objective revelation' is borrowed in part from natural theology, real history, and philosophy, and in part invents a history or a philosophy to express itself. The articles of the creed may claim to be true, and some may be true, in relation to the intellect, in the departments of natural theology, science, philosophy and history, and some may be philosophically or historically false; but, *as truths of faith*, they are not referred to the intellect at all, they are neither true nor false in respect to it, they are referred solely to the religious sense by which they are accepted as expressions or registers of the forward movements of the religious life. They are said to be altogether apocalyptic, visionary in character. Their gradual origin by evolution and their value in relation to the intellect are expressed, among others, in the following passages:—

Given a long-continued working of the religious spirit under favourable conditions in some people or society, the result will necessarily be the growth and development of a certain system of conduct and observances by which man's life in reference to the world beyond is found experimentally to be fostered and extended. Explanatory of such observances, there will arise a publicly-accepted body of beliefs and dogmas representative, at least figuratively, of the nature of that world beyond, whose growth and modification will, if disturbing influences are left out of account, be determined *pari passu* by that practical religion.<sup>1</sup> . . . In its first form the Christian revelation was altogether apocalyptic, prophetic, visionary in character.<sup>2</sup> . . . Considered as true with the truth of prophecy . . . the dogmas

<sup>1</sup> *Quarterly Review*, p. 482.

<sup>2</sup> *Ibid.* p. 468.

of revelation would rarely, if ever, come into dialectical conflict with one another or with science and history . . . their exponents would rightly refuse to be tied to exact statements of their speculative value, insisting rather on their pragmatical, provisional and approximative truth, so far as the fact-world is concerned, and on the necessarily undefinable nature of the 'ought-world' and its eternal realities<sup>1</sup> . . . what is true in this view [the traditional conception of revelation] is the perception of the utter inadequacy of human philosophy to the practical ends of religion; what is false is the idea of fetching a ready-made philosophy from heaven as a substitute, or in other words, the implied 'intellectualism,' the notion of revelation as a direct instruction of man's intellect by God.<sup>2</sup>

I need not point out in detail, my readers themselves will have perceived it, how different is this theory of theology, revelation and faith, from the traditional conception of supernatural theology, revelation and divine faith. I would only direct attention to the fact, that the attack, though formally and expressly directed against dogmatic theology, is no less in reality directed against defined faith, as it has been traditionally understood to be, assent to revealed truths on the authority of divine revelation made to the human mind.

#### INSPIRATION AND INSPIRED WRITERS

What then is meant by 'inspiration' to write 'objective revelation'? Who are inspired writers? As revelation is said to be accorded to most men by the immanent apologists, so we may naturally expect them to teach that everyone is inspired to formulate an expression of the movements of his religious 'life.' Most people however prefer to express the phenomena of their religious life in the language of previous inspired writers or speakers which has been consecrated by tradition and the approval of mankind. The rudest religions are inspired so far as they originate purely in a spontaneous effort to interpret the workings of grace in the heart.<sup>3</sup> They are few, we are told, who ever master tradition in its entirety; fewer still who rise above it

<sup>1</sup> *Ibid.* p. 485.

<sup>2</sup> *Ibid.* p. 481.

<sup>3</sup> *Ibid.* p. 466.

and revolutionize it; and these are said to be specially inspired.

It is these last, however—the great founders and reformers—who alone are credited with being the recipients of revelation from on high . . . There is, however, little doubt that an intense feeling, passion, or emotion will in some instances incorporate itself in congenial imaginations and conceptions: that from the storehouse of the memory it will, as it rushes onwards, snatch to itself by a sort of magnetism such garments as may best set it forth on the stage of thought . . . these presentments of the supernatural world would seem to be quite specially inspired.’<sup>1</sup>

A complaint<sup>2</sup> is made that one inevitable result of the intellectualizing and stereotyping of revelation was the sterilizing of the sources of prophetic inspiration; that the prophets who could not prophecy to order and rule were discarded as charlatans and impostors, and that gradually the whole caste fell into discredit. But I venture to think that they are few indeed who regret the extinction of the so-called ‘prophets,’ or who nourish it as a grief against the ‘intellectualizing’ and ‘stereotyping’ of revelation by authoritative infallible definitions that the ‘prophetical’ caste has fallen into discredit on account of it.

#### THE MYSTERIES OF RELIGION AND DEFINED DOCTRINES

There is a style or mode of treatment of the mysteries of religion peculiar to and characteristic of the school of the Abbé Loisy. An author is quoted who teaches that dogmas like the Trinity, the Incarnation, the virgin birth, the resurrection, are only finer developments of older and cruder pagan beliefs; the statement then is neither conceded nor denied; but it is observed that the articles of the creed, *as truths of faith*, minister not to the speculative intellect but to the religious sense, that the value of a belief is not determined by its origin, that the articles of faith are not to be weighed in the balance of intellectual truth or falsehood, that they are not affirmed to be true or false in relation to the intellect, that they cannot come into conflict with history and science which treat their subjects from

<sup>1</sup> *Quarterly Review*, p. 466.

<sup>2</sup> *Ibid.* p. 470.

the point of view of intellectual truth, that their mystical 'ought-world' truth is proved to have the seal of the spirit by the fact of their survival and spiritual fruitfulness.<sup>1</sup> And assuming the starting-point of the immanent school, that God has made no revelation to the human mind, we should necessarily deny or take up an agnostic position in reference to the Trinity, the Incarnation, the Christian Church, and the other articles of the creed.

## II.

I must defer to a future occasion a detailed exposition of *Lex Orandi*, *Lex Credendi* and *A Much-abused Letter*, together with a criticism of the immanent theory. But enough has been said to describe this new theory of Catholic Christianity. Religion, according to this theory, is Kantian in origin, Darwinian in development and Christian only in its terminology. It is Kantian in origin; it manifests itself as a consciousness of right and wrong. It is Darwinian in development. It is a new 'life,' distinct from the physical life. The movements of this 'life' do not come within the direct province of the speculative reason, they are no more elicited by the speculative reason than physical hearing, or seeing, or tasting, or digestion is elicited by it; but speculative reason can take cognizance of and formulate a philosophical, but not a religious, theory of the spiritual life, just as it can take cognizance of and formulate a theory about the functions of the eye, the ear, the palate, the stomach, etc. The

<sup>1</sup> Cf. *ibid.* p. 477.

According to this theory the existence of God, the Trinity, the Incarnation, the Resurrection, etc., 'claim' to be true with the truth of the intellect: they may moreover be proved to be true, or be disproved, by the sciences which deal with intellectual truth, philosophy (natural theology), history and natural science; the very existence of God may belong to intellectual truth, to fact-truth, as Aquinas holds, or be only a *postulate* of practical religion, having at best only a doubtful claim to objective reality, as Kant would hold: a Catholic may accept, or reject, or take up an agnostic position in relation to all these doctrines considered in relation to intellectual truth, to fact-truth, and hence he need not come into conflict with science: but he accepts them as *truths of faith*, selected to foster and to register and express, in a figurative and undefinable sense, the nature and the growth and expansion of the religious 'life.'

religious 'life' varies and expands and transforms itself as physical life has transformed itself in successive generations of organisms ; and this, and not the work of the schools of theologians, is what is meant by the development or evolution of active revelation. And finally religion, as described by the new school, is Christian in its terminology and, I might add, in its terminology alone. But there is a formal difference between traditional Catholic terminology and the terminology of the immanent school. The traditional articles of the creed are understood to be valuable because they express truth, fact-truth, truth in relation to the human mind ; but they are employed in the immanent school not to express truth in relation to the mind, but to express, in some figurative, indeterminable sense, the present orientation of the religious life in relation to the finally perfect, to the ideal. Finally, let me observe that the theory is called 'immanent,' because it teaches that active revelation originates from an immanent principle as consciousness of right and wrong, and that the criterion of objective revelation is not miracles and prophecy, but the immanent life itself, or the usefulness of the revelation to express and foster the growth and expansion of the religious 'life.'

I think this new species of 'life' might have been left to pine away and die on its native gallic soil where, notwithstanding a free-thinking environment, it has never enjoyed a very healthy or thriving existence. Why try to transplant into the minds and souls of English-speaking Catholics this rather crude, unphilosophic, naturalistic French theory, which speaks of 'consciousness of right and wrong' without an act of the cognitive faculty, of a 'spiritual impulse' without a previous mental apprehension of the term towards which the impulse is directed, of a 'preferential' and 'sympathetic response to good' and 'antipathetic response to evil' without any mental cognizance of what the 'evil' is or what the 'good' is, for which a post-factum theory must then be invented ; which tells us, in opposition to the defined teaching of the Church, that God has made no revelation which is an instruction to the human

intellect ; that faith is not assent to truths supernaturally revealed by God to the human mind ; that the articles of the creed, considered religiously, are the continuous work of the human spirit from the beginning, synthesized in the Church, by which the ever-growing spiritual life tried to clothe itself in suitable attire ; that these articles claim to be true—how *could* the mysteries of faith be cognizable as true if there had been no revelation to the mind ?—but that their mental truth is but the flesh that profiteth nothing, that it is the figurative, indeterminate expression of relation to the Ideal which is the ‘spirit that quickeneth’ ?

We are told that dogmatic theology cannot afford to quarrel with the saints, and the authority of the saints is claimed for the immanent theory to prove the barrenness and inutility of speculative intellectual truths. But were the martyrs who died for Christ indifferent to the intellectual fact-truth of the divinity of Christ ? Have the confessors and missionaries of the Church been indifferent to the real speculative truth of the mysteries of salvation ? To the saints who have received Holy Communion and perhaps spent hours every day before the Blessed Sacrament has the intellectual truth of the Real Presence been only ‘the flesh that profiteth nothing’ ? And to the dying Catholic doth it profit nothing to believe as a truth of the intellect that the last sacraments confer grace, that death is followed by judgment, and judgment by eternal reward or punishment ? How does it happen that participation in the spiritual life of the Church diminishes or ceases altogether, when intellectual belief in the mysteries of religion grows weak or is altogether lost ?

DANIEL COGHLAN.

[To be continued.]

## GENERAL NOTES

### THE BIBLICAL QUESTION

IN almost all questions of theology, philosophy, biblical criticism and history that are discussed at the present day, we clearly distinguish two schools—the liberal and the conservative. We have always maintained in the I. E. RECORD that in the life of the Church, the existence of these two schools is a practical necessity, and that it is essential to the healthy influence of both that neither should be denied its right of comment, of criticism, of freedom in its own home. We speak of liberalism, of course, in the true and orthodox sense ; for, with the liberalism that degenerates into licence we have no sympathy. Understood in its restricted, Catholic sense, we consider that the liberal school fulfils a great purpose. Without its stimulating ardour the conservative body, speaking for the most part a dead language, would soon be nothing more than an embalmed corpse, without life in its own members, and incapable of imparting life to others. Liberals, on the other hand, are restrained from rushing headlong, from plunging into rapid streams, from catching at everything that is new, from risking all they possess on chance, from the uneasy spirit and the restless desire of hurrying onward by the sober, steady, measured, wise, and experienced counsel of those who profess conservative and traditional opinions. That being our general view of the situation we have never allowed the I. E. RECORD to become the exclusive organ of one side or the other, and we have no intention of doing so in the future. All opinions that are free in the Catholic Church have a right to find expression in our pages. We have our own inclinations and preferences ; but we have no idea of forcing them on others, if such a thing were possible. We take occasion now and then to express them like everyone else ; but no one need be deterred from expressing a different view on that account in our pages.

It is well, then, that our readers should know why it is that we accept articles that sometimes show a tendency in opposite directions, and allow our pages to become what the French call a *tribune libre* for matters of Catholic opinion. The fact, for instance, that we have accepted a series of articles none the less able and well-reasoned for being written in a popular style, and in defence of traditional views on the work of the Biblical Commission, does not blind us in the least to the difficulties that have been raised by scholars in many countries, and from different points of view, to the conclusions they have reached. Nowhere have these difficulties been so lucidly, so logically, and so ably pressed home in our experience, as in

the correspondence which has just been published between the Rev. Charles A. Briggs, of New York, and the well-known Biblical scholar, Baron von Hügel.<sup>1</sup> Even though we cannot at all accept as clearly established many of the assertions of Dr. Briggs in the work referred to, we think that Catholics are greatly indebted to him for putting in so clear, concise, and respectful a form the objections of critical scholarship, even to the very qualified form of the traditional view regarding the Mosaic authorship of the Pentateuch that has been adopted by the Biblical Commission. Nor will anyone question the sincerity of Baron von Hügel, or deny the force of the parity he seeks to establish between the cases of the Areopagite and the *Comma Johanneum*, on the one side, and the conclusions of the critics regarding the Pentateuch on the other, provided he can show that the evidence is as clear in favour of his present thesis as it was in the case of the two controversies on which he relies. It seems to us that in this matter writers on both sides abound entirely too much in their own sense. They present everything that is favourable to their cause; but in answering the difficulties raised by their opponents they are much more reticent and less convincing. We do not refer to the question here for the purpose of entering into a discussion of the merits of the case: but we see where the difficulties lie, and we would ask those who deal with such questions to address themselves to the difficulties. The mere repetition of the arguments in favour either of tradition or of novelty does not carry us very far. It is well that it should be done, no doubt, provided the crux of the question is seriously faced. That, we admit, can be satisfactorily done in the case of some of the difficulties raised by Dr. Briggs only by experts in Oriental languages. So far, it is not too much to say that Catholic experts show no very definite and unanimous inclinations to accept as established beyond all doubt the contention of Drs. Driver, Brown, and Briggs, based on the vocabulary and style of the various parts of the Pentateuch. It was regarded as equally well established by a certain school of critics not long ago, that St. Luke had nothing to do with the authorship of the Acts of the Apostles; and yet here comes Dr. Harnack, of Berlin,<sup>2</sup> who reasserts and confirms the traditional opinion. Who, then, is to decide whether the work of the critics is so convincing, so certain, so infallible, and so secure, that the tradition of the Church for nineteen hundred years, a tradition that has survived the attacks of heretics and unbelievers again

<sup>1</sup> *The Papal Commission and the Pentateuch*. By the Rev. Charles A. Briggs and Baron F. von Hügel. London: Longmans, Green & Co. 1906.

<sup>2</sup> *Lukas der Arzt, der Verfasser des Dritten Evangeliums und der Apostelgeschichte*. Leipzig: Heinrichs.

and again renewed, may be safely set aside in its favour? The Church unquestionably: and Dr. Briggs may take it for granted that the Church will never abdicate that right into the hands of critics, no matter how learned or how confident of certitude they may be. The Church is the divinely-constituted guardian of the faith. To her the Bible and all that relates to it has been committed to be securely interpreted and safely preserved. She and she alone can say with authority when the faithful may safely depart from traditional belief, even in matters that do not properly belong to the faith. She depends, no doubt, on critics and experts in the natural order of things; but it is for her to decide when the critics and experts have made things so clear that there is no further need for anxiety as to the matter in dispute. We are sure a man of such evident honesty and good-will as Dr. Briggs will admit that in such things it is at least a good thing to be circumspect and not too ready to accept the conclusions of any group of men who are entitled to call themselves critics, when these conclusions are rejected by men who are also entitled to call themselves critics, even though there may be a dispute as to the right of either side to the genuine title. People often ride a hobby and will hear nothing against it, even though it may appear absurd to all but themselves. The Baconians in the Shakespeare question are as positive that they are right as Dr. Briggs and Baron von Hügel; and yet people of common sense only shrug their shoulders and smile at them. To go back thousands of years and say that this bit of literature is much more ancient than that, even though written in the same language, may be quite easy: but if it is so, we may be sure that Catholic critics will say so in due course. In the meantime, why should we risk our salvation on such a question? Is it not possible to take a broad and reasonable view of all these things? After all, the greater or less haste of the Church to acknowledge the results of scientific investigation is not the be-all and the end-all of religion. Let the Catholic critics set themselves honestly and dispassionately to examine the question. Let them take the words of Pope Pius X as their guiding star—'The truth before everything'—and should they come forward with something like a unanimous verdict in favour of the contention of the new school, we may be sure that the Church will take such steps as the occasion will require, and that the decision of the Biblical Commission will not stand in the way of truth scientifically established. Only let us be sure that the methods are scientific in the truest sense, and let us not prejudice the issues. The last word has not been said on them by Dr. Briggs and Baron von Hügel.

J. F. HOGAN, D.D.

# Notes and Queries

## THEOLOGY

### BAPTISM OF AN IMMATURE FETUS

REV. DEAR SIR,—According to O’Kane, a fetus is not to be baptized unless it presents ‘the first lineaments of a human body’ (page 86), and he founds his opinion on the action of the S. Congregation of the Index, which ordered Jerome Florentinus to limit his teaching in this way. How can this action of the Index be reconciled with the view that the fetus is animated by a human soul from the moment of conception? C.C.

Modern theologians and embryologists for the most part hold that the human soul is present in the fertilized ovum from the moment of conception. The old view, held by St. Thomas and many of the schoolmen, that the human soul does not exist till the organism of a human body is formed, has lost its predominating influence. For our purpose, it matters not which view is objectively true; what does matter is the fact that a large and growing body of theologians, following in the wake of embryologists, hold that the human soul is present from the moment of conception. It follows that baptism ought to be conferred at least conditionally on a fetus, no matter how soon after conception it is born, provided that there are reasons for saying that it is in reality a human fetus, and that life is not yet extinct—such reasons as will prevent it from being clearly certain that there is no human life.

This is the teaching of modern authorities;<sup>1</sup> it is the teaching of the Maynooth Synod (1875): ‘Omnis foetus quocunque tempore gestationis editus baptizetur, vel absolute, si constet de vita; vel sub conditione nisi evidenter pateat eum vita carere;’ it is also in harmony with the decree of the Holy Office, 5th April, 1715:—

In casibus propositis (nempe de baptismo foetus abortivi)

<sup>1</sup> Lehmkuhl, vol. ii., n. 74; Génicot, vol. ii., n. 141; Noldin, vol. n. 69; Antonelli, *Medicina Pastoralis*, vol. ii., n. 28.

si suppetat rationabile fundamentum dubitandi, an fœtus ille sit animatus anima rationali, tunc potest et debet baptizari sub conditione: si vero non suppetat rationabile fundamentum, nullatenus potest baptizari. Ad videndum autem an sit rationabile fundamentum talis dubii, consulendi sunt Medici et Theologi in facti contingentia, sive in casibus particularibus.

It is worthy of note that O'Kane<sup>1</sup> says that, shortly before he wrote, this same decision was sent to a priest who consulted the Holy See on the subject. It is worthy of mention, too, that the Holy Office evidently looks on men versed in medical science as of at least equal authority with theologians in a matter of this kind. If, then, there is reason—such as the statement of a doctor certainly supplies—for saying that a living human fetus has been born, baptism ought to be conferred, at least conditionally, even though the *human* organism of the embryo is not visible to the naked eye.

Can this teaching be reconciled with the action of the S. Congregation of the Index, to which my correspondent refers? It really does not matter much whether it can or not, since the Holy See nowadays allows us to hold the view which I have so far defended. To some extent, however, it can be reconciled with the action of the Index, because in the first place nobody would hold that baptism should be conferred even conditionally, unless there is reason for saying that the subject to be baptized is a human fetus; and in the second place the fertilized ovulum has an incipient human organism from the beginning—an organism which can be detected in its incipient stages by means of the microscope, even a few days after conception.

In his admirable book on *Pastoral Medicine*, Antonelli makes the following statement on this point: 'Falsum est asserere ovulum fecundatum velut quoddam amorphum esse; nam, si microscopico examini subjiatur, primis diebus a fecundatione, facile videntur vere mirabilia indicia organorum compositionis.'<sup>2</sup>

<sup>1</sup> Page 85, note.

<sup>2</sup> Vol. I., p. 102.

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**ECCLIASTICAL IMPEDIMENTS AND MARRIAGES BETWEEN CATHOLICS AND NON-BAPTIZED PROTESTANTS**

REV. DEAR SIR,—In this country it often happens that, against the advice of the clergy, a Catholic marries a non-baptized Protestant. It is necessary, of course, to get a dispensation from the impediment of *disparitas cultus*, but is it necessary to obtain a dispensation from other impediments, such as consanguinity, which exist in the case?

TRANSMARINUS.

There is a general question as to how far freedom of one from an ecclesiastical matrimonial impediment communicates freedom to the other contracting party. In the case of clandestinity, it is certain that freedom of one *per se* confers freedom on the other, though *per accidens* the form of clandestinity may be necessary for the validity of the marriage, as a condition of obtaining a dispensation from some other ecclesiastical impediment. In the other ecclesiastical impediments, however, no such communication of exemption exists. Hence, in case of a marriage between baptized and unbaptized persons, a dispensation, which may be given explicitly or implicitly, is required from any impediments that directly affect the baptized party, clandestinity alone excepted.

Now, according to the unanimous opinion of theologians and canonists, when a dispensation is explicitly given from the diriment impediment of *disparitas cultus* a dispensation is implicitly granted from all other impediments of the ecclesiastical law, which mutually affect the contracting parties, and in which the Church is accustomed to dispense. This teaching is confirmed by a reply of the Holy Office to the Archbishop of Quebec, 16th September, 1824: 'Ecclesia dispensando cum parte catholica super disparitate cultus, ut cum infideli contrahat, dispensare intelligitur ab iis etiam impedimentis, a quibus exempta est pars infidelis, ut inde hujus exemptio propter contractus individuitatem communicata remaneat et alteri.' Though this statement was made argumentatively, and in reply to a particular question, it indicates the general principle which theologians and canonists adopt.

In this connexion there can be question only of ecclesiastical impediments, since the Church cannot dispense from impediments of the divine or natural law. There is question, moreover, only of mutual impediments, i.e., of impediments which arise from some mutual connexion, such as consanguinity or affinity, and which, as impediments, directly affect the baptized party and indirectly the unbaptized party. An impediment, which is not mutual—which arises from something peculiar to one side, such as a solemn vow of chastity—is not implicitly dispensed from by the dispensation from *disparitas cultus*. Again, only those mutual impediments are implicitly dispensed from, in which the Church is accustomed to dispense, because if the Church does not grant an express dispensation in such cases she must not be understood to grant an implicit dispensation. Finally, although no dispensation is required in the circumstances from the impediment of clandestinity, still in practice this exemption is usually of no avail, because the form of clandestinity as a rule is required as a condition of obtaining the dispensation from *disparitas cultus*. Whenever a condition is imposed which is in harmony with a general regulation of canon law, the condition must be interpreted in the same sense as the general law. Hence, in places where the Tridentine law is promulgated the form of clandestinity imposed as a condition of obtaining the dispensation from *disparitas cultus* is required under pain of invalidity, and in places where the decree *Tametsi* is not promulgated the fulfilment of this condition is required merely under pain of sin.

**CATHOLIC ACTING AS SPONSOR OF A PROTESTANT CHILD,  
PROTESTANT ACTING AS SPONSOR OF A CATHOLIC CHILD**

REV. DEAR SIR,—(1) May a Catholic act as sponsor for a Protestant child who is baptized according to the Protestant Ritual? (2) May a Protestant be asked to act as sponsor for a Catholic child? A reply to these questions will oblige,

SUBSCRIBER.

1. The opinion which is at present universal amongst

theologians holds that a Catholic may not act as sponsor for a child who is baptized according to the Protestant ritual. One of the duties of a sponsor is either *per se* or *per alium* to ask, in the name of the child, the officiating clergyman to confer the sacrament. Now, the baptism which is demanded in the case is baptism according to the Protestant ritual, and consequently an heretical ceremony. Hence the sponsor asks for an unlawful thing, and formally co-operates with heretical rites. In confirmation of this view, the *Acta Sanctae Sedis* (vol. xxvii., p. 455), quote a decision of the Holy Office, dated 10th May, 1770: 'Sanc-tissimus decrevit, catholicis regulariter non licere haere-ticorum aut schismaticorum concionibus, baptismis, matrimoniis interesse. *Absolute autem non licere* nec per se nec per alios fungi officio patrini in baptismis, quae haereticorum filiis ab haereticis ministrantur.' And in 1870, the Holy Office declared in connection with the office of sponsor: 'Neque catholicis eodem munere fungi licet in iisdem sacramentis (baptismi et confirmationis) acatholico ritu administratis: ita enim constanter tenuit haec Apostolica Sedes.'

Formerly, theologians were not unanimous on this point. Many, v.g., St. Alphonsus, Lacroix, Laymann, held that there is sometimes merely material co-operation, which is excused by the fact that a Catholic sponsor can easily use his influence towards the conversion of his god-child to the true faith. This opinion cannot now be looked on as probable owing to the constant teaching of the Holy See.

2. A Protestant may not be lawfully employed as sponsor of a Catholic child. Sponsors are appointed by the Church to be the spiritual guides of their god-children, and a Protestant, not being a safe spiritual guide, is excluded from such position of trust. This has been the invariable teaching of the Holy See. In 1870, the Holy Office said: 'In collatione sacramentorum baptismi et confirmationis haeretici vel schismatici neque per se, neque per catholicum procuratorem, neque soli, neque cum catholicis, patrini munere fungi licite possunt.'

On the 3rd May, 1893, the Holy Office replied to the following question :—

In aliqua paroecia Hungariae accidit ut mater a fide catholica apostatavisset, quia parochus in baptizanda ejusdem prole patrinum haereticum inhaerendo legibus Ecclesiae rejecerit. Cum vero ex declaratione S. Poenitentiariae die 10 Dec. 1860 ad 19 notorie censuratus ad munus patrini admitti possit, si ex ejus rejectione gravia damna imminere videantur; ac inde quaeritur: Utrum haec declaratio etiam ad patrilinos haereticos extendi possit, an vero praestet, sicut nonnulli volunt, in hujusmodi casibus difficilibus baptismum sine patrino administrare?

R. Negative, et praestare ut baptismum conferatur sine patrino, si aliter fieri non possit.

On 27th June, 1900, another decision to the same effect was published by the Holy Office: ' Num possit permittere (episcopus) ut vir protestanticus agat patrinum in baptismo catholicae conferendo cuidam filiae conjugum mixti matrimonii, qui coram ministro haeretico contraxerunt? R. Permitti non posse.' So many decisions of this kind have appeared, some of them referring to extreme cases, it seems to be certainly and absolutely unlawful to ask a Protestant to act as sponsor of a Catholic child.

A Protestant may, however, be allowed to be present as a mere *witness* and to sign the register as such, if refusal would entail serious loss or injury. This is permissible in the case of matrimony, and there seems no reason for making a different rule in the case of baptism.

#### DAILY COMMUNION OF BOYS

An important decision of the S. Congregation of the Council, concerning frequent Communion of boys who have just received their first Communion, has recently been published. For one reason or another some were under the impression that the decree *Sacra Tridentina Synodus*<sup>1</sup> about daily Communion did not apply to them, but now all doubt has been removed by the reply of the S. Congregation, which states that daily Communion is

<sup>1</sup> I. E. RECORD, April, p. 376; May, p. 451.

recommended to youths in the same way in which it is recommended to adults :—

Quotidiana Eucharistiae sumptio in catholicis ephebeis suaderi ne debet etiam pueris quibuscunque post susceptam primam communionem ?

R. Sacrae Communionis frequentiam commendari juxta articulum primum decreti etiam pueris, qui ad sacram mensam juxta normas in Catechismo Romano, cap. 4, n. 63, semel admissi ab ejus frequenti participatione prohiberi non debent, sed potius eos ad id hortari, reprobata praxi contraria alicubi vigente.<sup>1</sup>

J. M. HARTY.

## CANON LAW

### ARE MAYNOOTH SYNOD DECREES MERE PENAL LAWS?

REV. DEAR SIR,—An interesting point on Canon Law has been raised by a friend of mine, regarding the binding force of the decrees of the Maynooth Synod. He maintains that such decrees as those enacted by Provincial and National Councils are mere penal laws, which only involve an obligation of carrying out the penalties attached to the violation of the decrees, but do not impose any obligation in conscience as to their observance under pain of sin, unless such an obligation be clearly and expressly stated by the legislators. He corroborates his statement by making a comparison between the decrees mentioned and the rules of religious Orders. Those rules are likewise laws for a particular body of men, and commonly held to be mere penal laws. Besides, he adduces the authority of Zitelli (*App. Jur. Eccl.*, lib. i., cap. iv., art. ii. in fin.), who writes : ‘ Effectus ejusdem (Concilii publicationis) est ut statutis conciliaribus omnes Provinciae subditi obligentur, ita tamen ut eiusmodi obligatio sit ad poenam non ad culpam, nisi Concilium ipsum secus declaraverit.’

All that upset my notions of Canon Law on this point. I hold quite the opposite view which, so far as I remember, squares with the theory on that matter I acquired in the class of Canon Law a good many years ago. Will you kindly throw some light on such an important question by favouring us with an answer in the I. E. RECORD ?

ASSIDUUS.

Our correspondent's question is, indeed, full of interest

<sup>1</sup> *Analecta Ecclesiastica*, Sept.-Oct., 1906, p. 383.

and importance from the practical point of view. Its bearing on the exact observance of Church laws and maintenance of ecclesiastical discipline is evident, as obvious are the detrimental effects which may result from a false notion and even a doubt on such a momentous matter.

In answering his question we tell 'Assiduus' at once that we completely share his opinion, which is to our mind the correct one, and reject that of his friend which, notwithstanding the authority of the learned Zitelli, is wholly untenable and perfectly erroneous, as it is based on a misconception of the nature of penal laws, of the efficacy of ecclesiastical legislation, and of the character of a National Synod's decrees; hence a brief exposition of these doctrines will facilitate and naturally lead to the solution of the difficulties connected with this question.

It is a certain doctrine, which our correspondent's friend must admit, that a law of any kind involves the idea and always carries with it an obligation. This is suggested by the very word *lex*, derived from the Latin *ligare*, to bind. 'Dicitur enim lex,' says St. Thomas,<sup>1</sup> 'a ligando quia obligat ad agendum.' Without such an obligation a law would lose its nature and become only a counsel, and the law-giver would sink to the level of a mere adviser. 'Decretum,' writes Gratian,<sup>2</sup> 'necessitatem facit, exhortatio liberam voluntatem excitat.'

This obligation is of two kinds, as two-fold is the force of the law from which it emanates. The obligation *ad culpam* is the effect of the directive force, while the co-active force produces an obligation *ad poenam*. The first constitutes a law in the strict sense of the word, called simply *lex*, the latter makes what is termed a mere penal law. Any law, whether ecclesiastical or civil, may be and is, as a rule, possessed of the two mentioned forces and consequent obligations. There is some diversity of opinion amongst canonists as to the possibility and existence of ecclesiastical laws with only the co-active force, but they unanimously agree in holding that laws may exist

<sup>1</sup> St. Thomas, 1, 2. quest. 90, art. 1.

<sup>2</sup> Gratian's *Collection*, Dist. 4 ad finem.

imposing only an obligation *ad culpam*. As it is therefore indispensable to find in any law some kind of obligation, if it be proved that a particular law or body of laws are not merely penal we must necessarily conclude that they bind also or solely *ad culpam*.

We only wish to add that the latter obligation is a natural and necessary consequence of a real and strictly called law, and there is no need for the superior to state it expressly, declaring his intention of binding in that manner ; for the directive regulation or direction inserted in the law, and authoritatively imposed on the subject by the competent superior, is a precept, ordering something to be done or avoided, and it is in the nature of such a preceptive direction to bind to its observance. 'Lex,' says Schmalzgrueber,<sup>1</sup> 'est rationale praeceptum, et non potest intelligi praeceptum impositum subditis nisi hi obligentur ad parendum praecepto.' It is true that the character of the binding force proceeds from and depends on the superior's intention, 'Quod principi placuit legis habet vigorem,' but his will to bind *ad culpam* is always presumed, because it is certainly contained in the very nature of a preceptive regulation, and an explicit declaration in that respect would be deemed entirely superfluous. If any manifestation of the superior's mind be at all necessary it is to the contrary effect, namely, to deprive the directive precept of the law of the force of imposing an obligation in conscience to observe it in order to make it a mere penal law.<sup>2</sup>

St. Thomas proves the necessity of such an obligation in conscience in any legal law, as he terms it, from divine will and the eternal law on which it is based. Any power or authority, he states, is from God, who wishes us to obey it.<sup>3</sup> If we dare resist the superior's authority, we resist God's command, and acquire for ourselves eternal reprobation.<sup>4</sup> We are obliged, therefore, St. Paul concludes,<sup>5</sup> to

<sup>1</sup> Schmalzgrueber, *Jus. Eccl. Univ.*, t. i., p. 1, tit. ii., par. v.

<sup>2</sup> Suarez, *De Leg.*, lib. iii., cap. 19, n. 7 *sqq.*

<sup>3</sup> St. Thomas, 1, 2, quest. 96, art. 4.

<sup>4</sup> 1 Peter ii.

<sup>5</sup> Rom. xiii. 1 *sqq.*

subject ourselves to the superior authority, not for fear of incurring a punishment—*propter iram*—but for conscience' sake—*propter conscientiam*—in order to avoid a sin which follows from the transgression of God's command. The obligation in conscience, therefore, to obey the superior's directive injunctions is a necessary and natural effect of the law. Cardinal Cavagnis<sup>1</sup> arrives at the same conclusion by demonstrating that such an obligation is necessary for the welfare and good government of society, because then alone laws may be effective means to keep discipline, secure peace, and maintain social order. Without that obligation hypocrisy and simulation, argues Suarez,<sup>2</sup> will be fostered and encouraged in the observance of laws to the immense detriment of public weal and discipline. This is, finally, the common teaching of canonists who, by simply stating that laws imposed an obligation mean the obligation in conscience which, in case of enactments not merely penal, is to the effect of binding to the observance of the directions therein contained. 'Lex,' writes Ferrari,<sup>3</sup> 'obligationem inducit seu vinculum quo et subditi ad obtemperandum adstringantur non solum propter iram, ut loquitur Apostolus, sed etiam propter conscientiam.'

So far we have expounded a doctrine which, if not altogether extraneous to the question, may appear at least superfluous; but it is not without a practical purpose we have indulged in a rather lengthy demonstration of the binding force of the law. Here we have anticipated the proof of a legitimate inference which will be drawn later on. If, after exposing the nature of penal laws, we show that the decrees of a National Synod are not of the same character, we must conclude, what we have already proved, namely, that they are mixed or only directive laws, naturally and necessarily binding in conscience independently of any express and definite declaration of the legislator to that effect.

First of all, whether in the Church, whatever may be

<sup>1</sup> Cavagnis, *Jus. Publ. Eccl.*, ii., n. 444.

<sup>2</sup> Suarez, l.c., lib. iv., tit. 22, n. 2 sqq.

<sup>3</sup> Ferrari, *Summa Inst. I. Eccl.*, i., n. 73.

said about civil society, there may be laws or decrees merely penal is an abstruse and yet undecided question. Doctors in their endeavour to solve it arrive at different conclusions, and since a good number of even modern and living Roman canonists do not see their way to admitting the power of the Church to enact that sort of laws, the possibility of their existence may be, at least, reasonably doubted. De Angelis,<sup>1</sup> for instance, arguing from the nature of ecclesiastical punishments, declares that, as Church penalties consist of a suppression or diminution of spiritual rights they always suppose a disregard of an obligation *ad culpam*, because ecclesiastical authorities never deprive their subjects of these rights unless a grave sin had been committed in the violation of the directive part of the law. Again, Church penalties are in the main correctional, aiming at the amendment of the delinquent; which object is not lost sight of even in the infliction of purely vindictive punishments. That moral reformation of the offender intended by the Church, and to be achieved through punitive measures, supposes that the breach of the law for which the culprit is atoning not only is a crime before society, but also a sin before God; and that the violation was that of an obligation in conscience *ad culpam*, Sebastianelli<sup>2</sup> comes to the same conclusion by considering the general scope of the ecclesiastical legislative power, which, having for its object the spiritual welfare of the faithful, cannot but bind them in conscience to the observance of its directive enactments.<sup>3</sup>

Notwithstanding, however, the authority of those distinguished canonists, and the weight of their arguments, their opinion does not enlist our patronage. We admit the existence of mere penal ecclesiastical laws, although their instances are very rare. 'In ecclesiastica disciplina,' writes Lehmkuhl (i. 208), 'leges mere poenales raro inveniuntur.' The main reason in support of our opinion is that the

<sup>1</sup> De Angelis, lib. i., tit. 2, n. 12.

<sup>2</sup> Sebastianelli, *Prael. I. Can.*, i., n. 55.

<sup>3</sup> See also Bellarminus, lib. iii. *De Laicis*, c. 2; Bouquillon, 8, 144; Santi Leitner, i., tit. 2, n. 29, etc.

efficacy of any law depends on the legislator's will, which is called *anima legis*, by which the binding force of a law must be judged and measured. Now the superior in issuing some laws may have the intention of binding his subjects only to sustain a penalty in case that some conditions laid down by him be ignored or infringed, and he manifests his intention by not inserting any direct and directive precept which would bind in conscience to its observance. Not everything laid down in a law, St. Thomas<sup>1</sup> warns us, is there 'per modum praecepti,' but it may be inserted, 'per modum ordinationis cuiusdam vel statuti obligantis ad certam poenam.'

In acknowledging, however, the possibility of the existence of merely penal ecclesiastical laws, we hold that they are not laws in the strict sense of the word, as strict laws contain a direction or precept of doing or avoiding something, independently of the incurring of any penalty; that is, they impose a directive precept which is at the same time a preceptive direction on account of the consequent and necessary obligation of complying with it: whereas mere penal laws do not include any precept of that nature, but only some words inflicting a conditional penalty which is the sole degree of obligation intended by the law-giver. 'Lex pure poenalis, est quae nullum in se imbibit praeceptum, sed verbis solam poenam taxantibus utitur ut: Qui talia arma portaverit, ea perdita habeat; qui hoc fecerit ad talem poenam solvendam tenetur.'<sup>2</sup> So the violation of the condition expressed in a penal law not being a precept, does not constitute a moral fault, but is only an indication that the threatened punishment is incurred and to be carried out. This is, then, the genuine meaning of the expression *obligatio ad poenam*, as distinct from the other *obligatio ad culpam*, for it would be a mistake to suppose that penal laws do not include any obligation of any kind under pain of sin; and it is on account of such an obligation that penal laws do not become mere advices; as, on the other hand, it is also due to the same obligation

<sup>1</sup> q. q. quest. 186, art. 9 ad 2.

<sup>2</sup> Salmaticenses, Tract x., c. 2, Punct. iii., n. 2; St. Alphonsus, i., 1496

that they preserve the specific nature of laws, although not in the strict sense of the word as already explained.

But how can we know when a law contains a precept or simply a penalty, and thus discover that we are dealing with a strict law and an obligation *ad culpam*, or with a mere penal law and with an obligation only *ad poenam*? Canonists assign several rules which are either intrinsic or extrinsic. The first regard the external form, the latter concern the nature of the matter and of the penalties of the law. Penal laws, as a rule, are not expressed in an absolutely imperative form, or with imperative words, such as *praecipio, iubeo, veto, prohibeo*, etc., or with phrases similar to these: *In nomine Christi, In virtute s. obedientiae*, etc., as is frequently done in the rules of religious families. If sometimes a preceptive form is employed, either it is given in a disjunctive proposition such as, 'Nemo in sylvis ligna cedat, aut multam rependat,' or by well-established custom, common interpretation of doctors, and, better still, by express declaration of the legislator it is known not to impose any real precept and an obligation *ad culpam*. 'Licet (lex pure poenalis) utatur verbis praeceptivis, nimirum *jubemus, mandamus*, tamen ipsa vel specialiter in eo loco vel generaliter in alio explicat se nolle ad culpam aliquam obligare.'

The usual form in which penal laws are framed is the conditional,<sup>1</sup> but lest we should, in some instances, be deceived by the external form, intrinsic rules are also to be taken into consideration. Notwithstanding the conditional form, if the penalty assigned in the law is spiritual and correctional, it cannot be a merely penal law, as spiritual punishments are not inflicted except for a sin; hence the canons of the general Councils inflicting spiritual penalties by the usual conditional form, *Si quis . . . anathema sit*, are not mere penal laws. Again, if the subject-matter of the law regard not only disciplinary affairs, but also moral direction or correction, and means necessary or closely connected with the end of the society then, although

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<sup>1</sup> Laym. xv., i.

expressed in conditional form, that law is never presumed to be a mere penal one.

Having thus explained the principles about the efficacy of laws and the nature of penal laws, before proceeding further to their practical application I will, even at the risk of trespassing upon the patience of the reader, briefly dispose of a difficulty which naturally obtrudes itself on our mind, and is always proposed in connexion with this matter.

How in penal laws, it is argued, can the imposition of a penalty without a fault be justified? Punishment, being *noxæ vindicta* always supposes a fault; to exclude the second is to exclude the first, according to the common saying, *Nulla poena sine culpa*.

In the first place, the infringement of the condition laid down in penal laws cannot be called a moral fault, since no precept has been violated, but it is, all the same, some kind of deordination before the society, and may be termed a civil or political fault, which justifies the imposition of a penalty. So in modern codes, in order to make a distinction between those kinds of faults, the civil one is styled 'transgression,' as distinct from crime, which always includes a moral fault.<sup>1</sup> In the second place, if the above mentioned infringement of the condition in penal laws may be called a fault in any sense it is, certainly, a cause and a sufficient one for the lawful infliction of a penalty. 'Sine culpa, nisi subsit causa, non est aliquis puniendus.'<sup>2</sup> It is true that in the latter case penalty can scarcely preserve that name; hence Schmalzgrueber calls it *poena improprie dicta*; St. Thomas, *aliquod damnum*; for Suarez it is an *afflictio*; for Vermersch a *molestia*. 'Poena improprie dicta,' says Schmalzgrueber, 'et latius accepta pro quocumque incommodo vel damno iuste subeundo culpam vere talem necessario non præsупponit cum etiam sine hac ex iusta causa imponi possit.'<sup>3</sup>

<sup>1</sup> Lega, *De Judiciis Eccl.*, iii., 37.

<sup>2</sup> Cap. 23, *De Reg. Juris*, in vi.

<sup>3</sup> Also St. Thomas, 2, 2, quest. 108, art. 4, ad 2; Suarez, l.c. iii., cap. 22, n. 11; v. cap. iv., n. 5 sqq.

It has been hitherto expounded that strict laws naturally and necessarily carry with them an obligation *ad culpam*, as they contain precepts, and therefore the superior's intention of binding his subjects in that manner, no express declaration being required for that purpose. If any declaration of that sort be necessary that is to take place in penal laws which, as a rule are not strict laws, and do not include precept, but if they do it is for the superior to make it clear that, despite their perceptive form, they are only binding *ad poenam*.

Now the decrees of National Synods, and therefore the Maynooth Synod decrees, are real and strict laws. To enact laws of this nature legitimate jurisdiction and proper intention are required. The Bishops assembled in a National Synod are vested with the proportionate and necessary authority either *ex natura rei*, as they form a juridical moral person, and are all superiors enjoying actual jurisdiction *in foro externo*, or on account of the positive ecclesiastical institution of those Councils as legislative bodies.<sup>1</sup> So for the binding force of these decrees, as particular strict laws, the papal confirmation or approbation is not necessarily needed, and if they are usually sent to Rome, formerly by custom, and now by decree of Sixtus V, only a correction or a recognition of them is made by the Roman authorities, seldom a confirmation, and only in *forma communi*, which leaves them in their specific nature and intrinsic value.

With regard to the intention of binding *ad culpam*, it is made manifest by the imperative words, and the preceptive way in which the decrees are formulated; by the spiritual penalties inflicted, by the subject-matter which, as a rule, concerns provisions, 'pro moderandis moribus, corrigendis excessibus, controversis componendis,' as the Council of Trent puts it. All this is equally true with regard to the Maynooth Synod statutes. It is only sufficient to read them to be convinced of the fact, and we do not know of any declaration of the Bishops for the purpose of making

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<sup>1</sup> Suarez, l.c., lib. v., cap. v., n. 10; Conc. Trid., Sess. 24, c. 2, *De Ref.*

them mere penal laws. It is true that some statutes, as is easily detected by their wording, were left in the state of mere, though authoritative, exhortations or suggestions, but in those cases no question can be raised about their being penal laws, as no penalty is or can be attached to them.<sup>1</sup>

Dealing, now, with the example deduced of the constitutions and rules of religious Orders and Congregations, we remark that these rules do not bear comparison with the decrees of National Synods. In fact, some authors maintain that rules of religious families do not lay down any precept, and, therefore, are not laws in the strict sense of the word. 'Talis regula,' St. Alphonsus writes,<sup>2</sup> 'non continet proprie praeceptum sed tantum est ordinatio seu instivum obligans tantum ad poenam si imponitur.' St. Thomas, Vermersch, Wernz, Bouix, and others, on the contrary, admit that the rules mentioned are real laws, issued by authorities endowed with jurisdiction *in foro externo*, and that they imply an obligation *ad culpam*, though, as a rule, a venial one; but, at the same time, they state that a declaration is made or the custom is introduced interpreting them as mere penal laws, and that such a declaration or custom affects only these rules prescribing daily exercises, as silence and rules assigning the various ways for the discharge of different offices and others of similar character. So Suarez tells us that such a declaration is found in chap. v. part 6 of the Constitution of the Jesuits.

On the authority of St. Thomas<sup>3</sup> we know that the rules of the Dominican Order are penal laws, because 'per hunc modum ad talia observanda obligantur;' and the same, no doubt, may be affirmed of many other rules of religious Orders; but those, in which such an explicit mention of their efficacy is omitted, are, in all probability, to be explained in the same way as the others on account of the common customary interpretation: 'Probabile est,'

<sup>1</sup> See Maynooth Synod Decrees (1875), p. 24.

<sup>2</sup> St. Alphonsus, *De Relig.*, Tract 8, cap. 2, n. 1.

<sup>3</sup> St. Thomas, 2, 2, quest. 186, art. 9 ad 1<sup>am</sup>.

concludes Icard, 'regulas non aliter explicari in aliis ordinibus.' It is for this reason, then, that the S. Congregation of BB. and RR. in Art. 320 of the *Normae*, issued the 28th June, 1901, for the approbation of new religious Congregations, directs them to clearly state in drafting their Constitutions that these, with the due exceptions, do not bind under pain of sin. 'Exprimatur in Constitutionibus eas per se non obligare sub reatu culpae, minime tamen a culpa posse excusari sorores, quae Constitutiones transgrediuntur ex contemptu vel in materia quae contraria esset sive votis, sive praeceptis Dei et Ecclesiae.'

Is it now easy to understand from what has been so far expounded how well defined and marked is the difference between the specific nature and value of the rules and constitutions of religious Orders, and that of the decrees of National Councils in general and the Statutes of Maynooth in particular?

As to the alleged authority of Zitelli, the accuracy of the quotation from his book cannot be controverted; but it seemed very strange to me, and I was, for a time, at a loss for an explanation, how such a blunder could have crept into a rather excellent work and be made by an eminent canonist, who, for a good many years, occupied the chair of Canon Law in the Propaganda College in Rome, and, together with the learned Avanzini, was the editor of the *Acta S. Sedis*. I set myself to find out the origin of his doctrine, and am able to trace it to a groundless and arbitrary statement made by Cardinal Petra, from whom Zitelli, and also Ferraris,<sup>2</sup> who shares the same view, borrowed this opinion, simply *iurando in verba magistri*.

Cardinal Petra,<sup>3</sup> in turn, in establishing his doctrine, was deceived by c. 1 of the Twenty-first Council of Toledo, quoted by him in corroboration of his opinion, and his statement is certainly a false inference and a decided error. The following are the words of the Council mentioned, which we find in the *Acta Conc.*, tom. vii. p. 1763: 'Ne onerentur culpae pondere ex transgressione constitutionum

<sup>1</sup> Icard, ii. n. 478.    <sup>2</sup> Ferraris, *Bibl. Can. v. Concilium*, art. ii., n. 55.

<sup>3</sup> Card. Petra, *Comm. ad Const. Honorii II.*, 'Charissimus,' vol. i., sect. i., n. 120.

provincialium fideles . . . ordinamus quod constitutiones provinciales praedecessorum nostrorum et quae in futurum condentur nisi aliter in condendis expresse fuerit ordinatum, non ad culpam sed ad poenam tantum eorundem obligent transgressores.'

Here we simply find that a particular Council declares its decrees to be only penal ; but, surely, this does not warrant Cardinal Petra's general statement that the statutes of all National or Provincial Councils are mere penal laws. If the above quoted decree proves anything, it proves exactly the opposite, namely, that the decrees in question are strict laws, binding *ad culpam* unless a declaration to the contrary is made ; in fact, the decrees of that Twenty-first Council of Toledo would have bound *ad culpam* without that declaration, which was made for the purpose of neutralizing this effect. 'Ne onerentur culpaе pondere,' etc., are the first words of the decree ; and the very fact that the Council found it necessary to make such a declaration, does it not show that without it its decrees would have never been mere penal laws ? Moreover, even in the case that such a general principle as stated by Cardinal Petra were established in the decrees of the Council of Toledo, we know that that Council was only either Provincial or perhaps National,<sup>1</sup> celebrated *Auctoritate Blasii Archiepiscopi*, and only *pro animarum nostrorum subditorum salute*,<sup>2</sup> and as such, its decrees had simply the force of particular laws ; nor were they ever made general, binding the whole Church, by inserting them in the *Corpus Juris*, or by Papal confirmation *in forma speciali*.

Finally, it would be very strange indeed to suppose that statutes of diocesan Synods, episcopal decrees during visitation, and in general all dispositions of all superiors with jurisdiction *in foro externo* should be obligatory *ad culpam*, and only decrees of Particular Councils, enacted according to the Council of Trent, 'pro moderandis moribus, corrigendis excessibus, controversiis componendis,' would have only the force and value of mere penal laws.

S. LUZIO.

<sup>1</sup> Suarez, l.c., lib. iv., cap. 6, n. 8.

<sup>2</sup> Conc. Tolet. (1355), cap. 1.

## LITURGY

## THE NUPTIAL BLESSING

REV. DEAR SIR,—In a Decree of the Congregation of the Inquisition, we are told that married persons who have not yet received the solemn Nuptial Blessing, are to be exhorted to ask for it. These are the words: 'E. et R. DD. S.R.E. Card. decreverunt. . . . Insuper hortandos esse eosdem conjuges Catholicos qui benedictionem sui matrimonii non obtinuerunt ut eam primo quoque tempore petant.'

On whom does the task devolve of giving this advice, the Parish Priest or the confessor? Is there a strict obligation for any priest to advise the married persons to apply for this blessing?

2. Can any priest give this blessing to those already married, or is it necessary to get leave of the Parish Priest or the Ordinary?

3. Can this blessing be given at the same Mass, and with one form of words to more than one married couple? If so, are the words of the blessing and accompanying prayers to be in the singular or plural number?

I have seen different directions on this latter part. Is there any authentic decree on the subject?—Very truly yours,

CLERICUS.

The solemn nuptial blessing of which there is question here, must not be confounded with the simple form which is given in the Ritual. The former is found in the Roman Missal, and consists substantially of certain prayers contained in the Votive Mass '*Pro Sponso et Sponsa*.' It is, consequently, inseparable from the celebration of this Mass. The Church desires that those about to receive the Holy Sacrament of Matrimony should be fortified with this blessing, if they have not already received it, or rather if the *sponsa* for whom it is principally intended has not previously received it.

1. The duty of 'exhorting' intending recipients of this Sacrament to comply with all the necessary ecclesiastical requirements and regulations belongs, in the first instance, to their Pastor or *Rector Animorum*, or, should the parties belong to different parishes then, according to the custom of these countries, to the *Parochus sponsae*, for he it is who

has the right to assist at the ceremony. The confessor as such has no responsibility in this direction, and he is not bound to advise the parties to get the blessing unless *ex caritate*, and in so far as the advice may be necessary for the fruitful reception of the Sacrament he is administering. If the Priest who assists at the marriage cannot give the blessing he should admonish the parties to receive it at some future time, *primo quoque tempore*, as the words run. Supposing, however, that at the time of the marriage, for some reason or another, the solemn blessing has not been given, then circumstances may arise which render doubtful who is entitled to give it, and see that it is obtained. If, for instance, the parties belong to different parishes, and after the marriage the *sponsa* goes to live with her husband elsewhere, what Parish Priest has the right to confer it and the responsibility to advise that the ceremony is supplied? There is the usual two-fold view. On the one hand, since the blessing may be regarded as complementary of the full marriage ceremony, it might seem plausible that he who commenced the undertaking should bring the work to a completion. On the other hand, the change of domicile may be said to have withdrawn the *sponsa* altogether from the jurisdiction of her former *Parochus*, and placed her spiritual interests for the future in other hands. This opinion is the more probable, judging from external reasons, and is sustained by Cavalieri, Sanchez, Barbosa, and many weighty theologians.<sup>1</sup> As to the duty of urging the reception of the solemn nuptial blessing, the words of the Congregation of the Inquisition, quoted by our correspondent, point to the existence of something that is rather a matter of precept than mere counsel. The obligation, however, of receiving the blessing, and consequently the correlative one of advising its reception, is regarded as only slight.<sup>2</sup> Hence, any reasonable cause might justify its omission, and such an excusing circumstance seems to be present generally in the rural districts of these countries, where we find it the general rule to omit it altogether.

<sup>1</sup> *Vide* Rosset, *De Mat.*, lib. v., pp. 23-4.

<sup>2</sup> Buccheroni, *Inst. Mor.*, vol. 4., n. 976.

2. The giving of the nuptial blessing, being an act of Parochial jurisdiction,<sup>1</sup> requires for its legitimate exercise the consent of the Pastor of the parties for the time being in accordance with the view above commended.<sup>2</sup> Needless to say, the permission of the Ordinary would be amply sufficient.

3. It being, then, a matter of some kind of obligation at any rate to give the solemn nuptial blessing, and it being also within the range of possibilities that one Priest may have several marriages to assist at on the same day, the question now arises whether the blessing can be given at the same Mass to two or more contracting couples? At the very first glance there seems a difficulty as the Mass is entitled, not *Pro Sponsis*, but *Pro Sponso et Sponsa*, and there is nothing to show that it is appropriate for more than one pair at a time. The authors, however, whom we have consulted, namely, Rosset, De Herdt, Van Der Stappen, Appeltern, state quite dogmatically that the blessing can be given at the same Mass to several contracting parties, and that in this case, no change is to be made in the *Orationes*, or any other detail of the Mass, all of which are to be said in the singular. Some of the authors referred to base their view on a decree of the Council of the Holy Office, dated September, 1841. For the seeming incongruity of using the singular form, in this instance, where the recipients of the blessing are many, a parallel is suggested in the practice of the Church, which retains the singular number in the Office for many Virgins.<sup>3</sup>

#### CELEBRATING MASS AND GIVING BENEDICTION WITH SMALL HOST

REV. DEAR SIR,—Would you kindly have the following *dubia* resolved in the next number of the I. E. RECORD:—

1. Suppose a priest is saying Mass in a country chapel on a Sunday, three miles or so from his house, and he discovers, at the Offertory, that he has no large host; would it be lawful

<sup>1</sup> Rosset, *loc. cit.*

<sup>2</sup> Van Der Stappen, iii., § 310.

<sup>3</sup> Cf. De Herdt, vol. viii., n. 282.

for him to use a small one ? To send to his house would entail great inconvenience on himself and the congregation.

2. Suppose at Benediction of the Blessed Sacrament, the priest discovers that lunette has been purified, might he insert a small particle from the ciborium, and give Benediction with it ?

SUBSCRIBER.

1. It is unlawful, *per se et ex usu Ecclesiae*, to celebrate with a small host, because this is not so suitable for performing the various ceremonies prescribed during Mass as the large one. In the absence of a large host theologians and liturgists commonly say (a) that it is lawful to celebrate with a small host—that is, the *particle* with which the people are communicated—*causa solius devotionis*, provided that the Mass is said privately ; (b) that it is also lawful to celebrate Mass publicly with a small host when there is a proportionately grave reason, such as to provide the Viaticum, or to give people an opportunity of satisfying the precept of hearing Mass. In this case, however, to avoid danger of scandal it is required that the people should be informed of the necessity which justifies departure from the ordinary rule.

2. We believe that Benediction might also be given with a small host if there is a corresponding necessity ; if, for example, its omission would entail a certain amount of inconvenience either to Priest or people. Here, too, an explanation might be made to avoid giving scandal or exciting criticism and surprise.

PATRICK MORRISROE.

## DOCUMENTS

DAILY COMMUNION OF BOYS IN COLLEGES AND OF  
THE SICK

ROMANA ET ALIARUM.—DUBIORUM CIRCA SACRAM COMMUNIONEM

Die 20 decembris 1905 SSmus. D. N. Pius Pp. X., ex H. S. C. consulto decretum edidit *De quotidiana SS. Eucharistiae sump-tione*, quo 'omnibus Christifidelibus cuiusvis ordinis ac conditione' summopere commendatur 'Communio frequens et quotidiana, utpote a Christo Domino et a Catholica Ecclesia optatissima; ita ut nemo, qui in statu gratiae sit et cum recta pique mente ad S. Mensam accedat, prohiberi ab ea possit.'

Inibi praeterea sub n. 7 statuitur: 'Communio frequens et quotidiana praesertim in religiosis Institutis cuiusvis generis promoveatur . . . quam maxime quobue promoveatur in clericorum Seminariis, quorum alumni altari inhiant servitio, item in aliis christianis omne genus ephebeis.'

Quin imo ut laudabilis ac valde Deo acceptus communionis quotidianae usus efficacius in die ubicumque propageetur, atque uberiores fructus edat, Sanctitas Sua nedum die 30 maii 1905 omnibus Christifidelibus, qui devote quandam recitaverint orationem pro pii usus quotidianae communionis propagatione, indulgentias tribuit, verum etiam per decretum *Urbs et Orbis* diei 14 Februarii 1906 a Sacra Congr. Indulgentiis Sacrisque Reliquiis praeposita datum, benigne elargitus est, ut per quotidianam Communionem lucrari possint omnes indulgentias abque onere confessionis hebdomadariae.

Quanto cum obsequio universim, et quam laetanter apud plures exceptae sint benignae S. Sedis dispositiones et declarationes hac de re, probant litterae quam plures Episcoporum ac Superiorum Ordinum religiosorum ad H. S. C. directae, nec non ephemerides non paucae quae de decreto diei 29 Decembris 1905 egerunt.

At una simul dubia et postulationes ad H. S. C. exhiberi coeperunt, inter quae duo potissimum peculiarem considerationem merentur, quae nempe respiciunt iuvenes nuper ad S. Mensam admissos et infirmos chronico morbo laborantes.

Sciendum est enim in pluribus dioecesibus usum hucusque fuisse quod pueri et puellae, ad primam Communionem semel admissi, prohibeantur de S. Synaxi cito iterum participare; imo

alicubi nonnisi post annum ad novam eucharisticae mensae participationem accedere permittebantur, in nova nempe solemnī functione primae Communionis.

Unde rogatus est SSmus. D. N. ut dignaretur haec duo dubia resolvere :

1.—*Quotidiana Eucharistiae sumptio in catholicis ephebeis suaderi ne debet etiam pueris quibuscumque post susceptam primam Communionem ?*

2.—*Infirmis, qui diuturno morbo laborant, nec naturale ieiunium in sua integritate observare queant, nullum remedium suffragari potest, ne pane eucharistico tam longo tempore priventur ?*

Cum autem Sanctitas Sua huius negotii examen ad H. S. C. remiserit, quaestio, agitata in comitiis generalibus diei 15 Septembris mox elapsi, hoc obtinuit rescriptum :

Ad 1<sup>am</sup> ' *Sacrae communionis frequentiam commendari iuxta articulum primum decreti etiam pueris, qui ad sacram mensam iuxta normas in Catechismo Romano cap. 4, n. 63 semel admissi ab eius frequenti participatione prohiberi non debent, sed potius eos ad id hortari ; reprobata praxi contraria alicubi vigente.*'

Ad 2<sup>am</sup> ' *Iuxta mentem, facto verbo cum SSmo.*'

#### THE RIGHT OF APPEAL FROM THE BISHOP OF HILDESHEIM TO THE CARDINAL ARCHBISHOP OF COLOGNE

##### DECRETUM

QUO CURIAE ARCHIEPISCOPALI COLONIENSI FACULTAS DATUR  
COGNOSCENDI IN 2<sup>a</sup> INSTANTIA CAUSAS IUDICATAS IN 1<sup>a</sup>  
INSTANTIA IN CURIA HILDESIENSI

EX AUDIENTIA SSMI. DIE 11 SEPTEMBRIS 1906

SSmus. Dominus Noster Pius divina Providentia Pp. X. referente me infrascripto S. Congregationis Negotiis Ecclesiasticis Extraordinariis praepositae Subsecretario, consulere cupiens faciliorem et promptiorem agnitionem ecclesiasticarum iudicialium controversiarum dioeceseos Hildesiensis, ad preces eiusdem dioeceseos Antistitis, et habito voto Emi ac Rmi Cardinalis Archiepiscopi Coloniensis, ipsi Emo Cardinali Archiepiscopo facultates ad septennium tribuit necessarias et opportunas, ut, ex delegata Sedis Apostolicae auctoritate, cognoscere possit in secunda instantia et iudicare tum matrimoniales tum alias fori ecclesiastici causas, quae in prima instantia ab Episcopo Hildesiensi, vel, sede evacante, a Vicario Capitulari eiusdem dioeceseos iudicatae fuerint, quaeque usque hodie in eadem instantia a Sede Apostolica cognoscebantur et iudicabantur, servata, quoad matrimoniales causas, constitutione Benedicti Pp. XIV quae

incipit '*Dei miseratione*'; eaque in primis lege, ut in singulis actis expressa fiat mentio huius specialis Sedis Apostolicae delegationis, et quoad omnes praedictas causas servatis ceteris, quae Jure canonico praescripta sunt. Super quibus idem SSmus. Dominus hoc edi Decretum et in acta [superius memoratae S. Congregationis referri mandavit. Contrariis quibuscumque non obstantibus.

Datum Romae e Secretaria eiusdem S. C. die, mense et anno ut supra.

L. ✙ S.

HUMBERTUS BENIGNI, *Subsecr.*

**PRIVILEGE GRANTED TO CAPUCHIN MINORS OF CELEBRATING VOTIVE MASS OF IMMACULATE CONCEPTION**

**ORDINIS MINORUM CAPUCCINORUM**

**PRIVILEGIO CELEBRANDI MISSA MVOTIVAM DE IMMACULATA CONCEPTIONE B.M.V. GAUDENT OMNES RELIGIOSAE CONGREGATIONES QUAE LEGITIME KALENDARIO MINORUM CAPUCCINORUM UTENTES, OFFICIUM PARVUM B.M.V. RECITANT**

Rev. Fr. Franciscus Tischler, Lector Ordinis Minorum Capuccinorum in Provincia Tirolis Septemtrionalis, Sacrorum Rituum Congregationi exposuit, quod Rescripto Apostolico diei 14 Martii vertentis anni eadem Sacra Congregatio privilegium, quo gaudet Ordo Fratrum Minorum Capuccinorum celebrandi Missam votivam de Immaculata Conceptione B.M.V., extendi concessit etiam ad Ecclesias et Oratoria Religiosarum Congregationum, quae in horis canonicis persolvendis Kalendario Ordinis Minorum Capuccinorum legitime utuntur. Quaeritur an terminis *in horis canonicis persolvendis* comprehendantur omnes etiam Religiosae Congregationes quae quidem legitime Kalendario Minorum Capuccinorum utuntur quoad Missam etc., loco autem horarum Cononicarum Officium parvum B.M.V. tantum recitant ?

Et sacra eadem Congregatio, ad relationem subscripti Secretarii, audito Rmo. P. Procuratore Generali Ordinis Minorum Capuccinorum, exquisitaque sententia Commissionis Liturgicae, respondendum censuit :

*'Affirmative, iuxta Decretum Ordinis Fratrum Minorum 15 Aprilis 1904 ad I.'*

Atque ita rescripsit, die 25 Maii 1906.

A. Card. TRIPEPI, *Pro-Praef.*

L. ✙ S.

✙ D. PANICI, Archiep. Laodicen, *Secret.*

## THE PLACE OF LAYMEN IN PROCESSIONS

## AVERSANA

DE LOCO QUO IN PROCESSIONIBUS INCEDERE DEBENT LAICI ALIQUO  
TANTUM SIGNO CATHOLICO EXORNATI

Hodiernus Rmus. Pro-Vicarius Generalis Aversanae dioeceseos Sacrorum Rituum Congregationi sequentia dubia pro opportuna solutione humillime proposuit, nimirum :

I. An in Sanctorum Processionibus liceat laicis sive adultis sive pueris sine sacco, aliquo tamen catholico signo exornatis, et intorticia manu ferentibus, sodales confraternitatum sacco indutos et clerum praecedere, an debeant ipsi, in hisce Processionibus B.M.V. vel Sanctorum statuum sequi ?

II. An quod in casu disponitur de Sanctorum Processionibus debeat intelligi etiam de Processionibus Poenitentialibus, quando nempe clerus cum populo adeunt Dei templum ad implorandam divinam misericordiam ?

Et Sacra eadem Congregatio, ad relationem subscripti Secretarii, audito voto Commissionis Liturgicae, omnibusque accurate perpensis rescribendum censuit :

Ad I. *Possunt procedere vel ante sodales confraternitatum sacco indutos vel post sacras imagines.*

Ad II. *Affirmative.*

Atque ita rescripsit, die 8 Augusti 1906.

L. ✙ S.

✙ D. PANICI, Archiep. Laodicen., *Secretarius.*

ABSOLUTION AND INDULGENCE FOR CERTAIN FEASTS OF  
THE FRIARS MINORS

## ORDINIS FRATRUM MINORUM

CONCEDITUR ABSOLUTIO ET INDULGENTIA IN FESTIS VIAE  
DOLOROSAE D.N.I.C., ET SEPTEM GAUDIORUM B.M.V.

*Beatissime Pater,*

Frater Bonaventura Marrani, Procurator Generalis Ordinis Fratrum Minorum ad pedes Sanctitatis Vestrae provolutus, humillime petit, ut eadem Sanctitas Vestra pro Festis : (a) Mysteriorum Viae Dolorosae (Feria VI ante Dominicam Septuagesimae), et (b) Septem Gaudiorum Beatae Mariae Virginis (Dominica post Octavam Assumptionis eiusdem Beatae Mariae Virginis), sequentes spirituales gratias benigne concedere dignetur, nempe :

I. Absolutionem generalem Fratribus ac Sororibus trium Ordinum Regularium impertiendam, prouti in aliis Festis Christi Domini eiusque Beatissimae Matris iam concessum est.

II. Plenariam Indulgentiam ab omnibus ex utroque sexu Christifidelibus lucranda, qui in praefatis duobus Festis confessi ac Sacra Synaxi refecti, aliquam ecclesiam vel aliquod publicum sacellum ipsorum Fratrum ac Sororum devote visiterint, ibique ad mentem Sanctitatis Vestrae pie oraverint. Et Deus, etc.

Sanctissimus Dominus Noster Pius Papa X in Audientia habita die 13 Iunii 1906 ab infrascripto Cardinali Praefecto Sacrae Congregationis Indulgentiis Sacrisque Reliquiis praepositae, benigne annuit pro gratia in omnibus iuxta preces. Praesenti in perpetuum valituro absque ulla Brevis expeditione. Contrariis quibuscumque non obstantibus.

Datum Romae, e Secretaria eiusdem Sacrae Congregationis, die 13 Iunii 1906.

A. Card. TRIPEPI, *Praefectus*.

L. ♣ S.

♣ D. PANICI, Archiep. Laodicen., *Secretarius*.

**INDULT ENABLING CERTAIN PRIESTS OF CONGREGATION  
OF THE MISSION TO INVEST IN THE BROWN SCAPULAR**

SACERDOTIBUS CONGREGATIONIS MISSIONIS CONCEDITUR INDULTUM QUOAD IMPOSITIONEM SCAPULARIS B.M.V. DE MONTE CARMELO.

*Beatissime Pater,*

Augustinus Veneziani, Procurator Generalis Congregationis Missionis, ad pedes S. V. humiliter provolutus, enixe petit indultum cuius vigore sacerdotes dictae Congregationis, qui facultate gaudent benedicendi ac imponendi Scapularia B.M.V. de Monte Carmelo, occasione tantummodo magni concursus illa benedicere valeant, quin teneantur eadem singulis christifidelibus imponere, omnia etiam nomina inscriptione in album confraternitatis. Et Deus etc.

SS. D. N. Pius PP. X, in audientia habita die 13 Iunii 1906 ab infrascripto Card. Praefecto S. C. Indulgentiis Sacrisque Reliquiis praepositae, benigne annuit pro gratia iuxta preces. Praesenti in perpetuum valituro. Contrariis quibuscumque non obstantibus.

Datum Romae, e Secretaria eiusdem Sacrae Congregationis, die 13 Iunii 1906.

A. Card. TRIPEPI, *Praefectus*.

L. ♣ S.

♣ D. PANICI, Archiep. Laodicen., *Secretarius*.

## NOTICES OF BOOKS

**FREE WILL : AND FOUR ENGLISH PHILOSOPHERS.** By the  
Rev. J. Rickaby, S.J. London : Burns and Oates.  
Price 3s. 6d. net.

THIS is a volume of 234 pages, dealing with the views of Hobbes, Locke, Hume, and Mill on the subject of Free Will : 72 pages are devoted to Hobbes, 39 to Locke, 51 to Hume, and the remainder (72) to Mill. Their views are given in a series of quotations from their works, each quotation being treated to a detailed criticism by the author. This arrangement imparts a certain variety to the work, and, though it occasionally leads to repetition, gives us a much better idea of English non-Catholic philosophy than could be gathered from a mere description, however full.

Though there are in the work some 'traces of the exuberance of youth'—the author confesses he had not the heart to 'prune them all away'—it is written for the most part in the concise style usually associated with scientific or philosophic as distinct from literary works. That does not mean, however, that the book is not very readable or that the points are not often stated with a piquancy and humour that rivet the attention.

While men will probably never all agree to accept the doctrine of free will—the four English philosophers' are against it, though Hobbes is the only one that never flinches—we doubt if the suspicions of any unprejudiced reader can outlive a serious perusal of Father Rickaby's work. There is no attempt to evade difficulties : they are fully stated and answered with a fairness and directness that leave nothing to be desired.

Of the various theories of free will that have been advanced, Father Rickaby's seems to be the most satisfactory. He troubles us neither with Kantian distinctions between 'pure and practical' reason nor with speculations as to the possibility of the mind's making the lesser motive appear the greater, but holds that the freedom of the will consists essentially in its power to abstain from accepting any proffered complacency that does not fully satisfy man's needs. He applies this doctrine all along, and with the happiest results. His observations on punishment, on statistics as implying a negation of free will, on the practical identity of determinism and 'modified fatalism,' etc., will repay a careful study.

What does he mean, though, by asserting (page 228) that 'if a human being do evil from stupidity, there is no moral evil,' or (page 229) that 'the actions of a criminal lunatic, though horrible in themselves, are not morally evil in him'? They have not that high degree of morality which postulates intelligent advertence; but are they not generally allowed to be *materially* sinful? And if sinful in any degree, are they not within the sphere of morality?

When the determinists claim, as Mill does, that 'the best philosophic authorities' reject the doctrine of free will, it is well that the practically universal persuasion of common mortals should be voiced by men who have as good a claim to the title of 'philosopher' as many of the 'authorities' themselves. This Father Rickaby has done: and—his readers, we believe, will agree—with more than usual success.

M. J. O'D.

**THE CHURCH AND KINDNESS TO ANIMALS.** London :  
Burns and Oates. Price 2s. 6d. net.

COMING at a time when the abuses of vivisection are being brought prominently before the public, and when the opponents of the practice are clamouring for prohibitive legislation, this little volume will be read with interest. It is an adaptation of a French work, *L'Eglise et la Pitié envers les animaux*, which has been received with marked approval by the present Pope.

Formal 'Societies for the Prevention of Cruelty to Animals' may be growths of a recent time, but the spirit that inspired their establishment was the spirit of the Catholic Church from the beginning. No better proof of the fact could be given than is found in the work before us. It recounts the legends of the saints in which their kindness to animals is displayed, and cites a host of 'modern witnesses,' among whom we may mention Cardinals Rampolla, Manning, Vaughan, and Gibbons, Drs. Ryan and Henry, Abbot Gasquet, etc. It begins with a public proclamation of Pope Pius V against bull-baiting and kindred abuses, and ends with the measured statements of professed theologians. Their motto is fitly crystallized in Coleridge's lines:—

'He prayeth best who loveth best  
All things both great and small.'

Though the sceptic may refuse to pin his faith to all the details in the legends given, he has to face the fact that the Church in which such legends rose and were cherished must

have recognized a close connexion between a reverence for the Creator, and a love for the meanest living creature fashioned by His hands.

The book is written with a kindly sincerity that wins the reader's sympathy at once. Nor is he left without a reason for the faith that is in him. In the statements of popes, cardinals, churchmen, and theologians, and in the recorded transactions of various societies, he finds the subject raised from the realm of sentimental enthusiasm to the solid plane of scientific reason.

M. J. O'D.

LECTIONES ÆSTHETICES, seu, Philosophia Pulchri et Artium.

Auctore Gelasio Lepore, O.S.A. Viterbii: Typis, Agnesotti & S. 1905. Lr. 2.50.

AN interesting little volume of over 200 pages, dealing, according to the principles of Scholastic Philosophy, with the hitherto neglected department of the Philosophy of the Arts. We share in the author's regret that artistic taste, an appreciation of the beautiful—in art, in nature, and above nature,—is not fostered and developed as an all-important element in the education of our Catholic students. We welcome his effort to place at the disposal of students a handbook in which they will find the whole subject-matter of general and special æsthetics,—including architecture, sculpture, painting, music, poetry—dealt with in a scientific and attractive manner. His views are far removed from the prevalent subjectivism of modern writers, and are generally inspired by the sane, moderate realism of Scholastic Philosophy.

P. C.

NICETA OF REMISIANA. His Life and Works. By A. E.

Burn, D.D. Cambridge: At the University Press. 1905. 8vo, clx. and 194 pp.

THIS book deals with a saint whose identity has long been doubtful. He had practically been forgotten in the Middle Ages, and from the sixteenth century forward had generally been confounded with Nicetas of Aquileia. Now, for the first time, Dr. Burn gives a complete edition of his works, collecting, in a lengthy preface, all that is known from history about the author. To the general reader Niceta will be most worthy of attention as the author of the *Te Deum*, and to Irish readers

particular interest attaches to the fact that it is from Irish sources that his authorship is proved.

The name of Dr. Burn is sufficient proof that the historic part is done in the most scientific manner. We need only add that the style of writing is very pleasant, and affords agreeable reading. The writings of St. Niceta himself show him to have been a clear-headed and sober, yet warm-hearted bishop. Additional notes on the clause *Sanctorum Communem* in the Creed, on the Biblical text used by Niceta, on the ascription of the *Magnificat* to St. Elisabeth, and on Ado's *Martyrology* enhance the value of the book.

H. B.

### BOOKS RECEIVED

*Propædæutica ad Sacram Theologiam, in Usam Scholarum, seu Tractatus de Ordine Supernaturali.* Auctore Fr. Thoma Maria Zigliara. Editio Quinta. Roma: Desclée, Lefebvre et Cie. 1906.

*History of Ireland from the Earliest Times to the Present Day.* By the Rev. E. A. D'Alton, M.R.I.A. Vol. II., from 1547 to 1782. With Maps and Plans. London: Kegan Paul, Trench, Trübner & Co. 1906. 12s. net.

*Early Essays and Lectures.* By Canon Sheehan, D.D., Author of *Luke Delmege*, etc. London: Longmans, Green & Co. 1906. 6s. net.

*Indulgences: Their Origin, Nature, and Development.* By the Rev. Alexius M. Lepicier, O.S.M. New and Enlarged Edition. London: Art and Book Co.; Kegan Paul, etc. 1906. 6s. net.

*The Law of Charities in Ireland.* Edmund John Moore, LL.B., B.A. (Lond.); of the King's Inns, Dublin, Barrister-at-Law. Dublin: Edward Ponsonby, 116 Grafton Street. 1906. 5s. net.

*Her Faith against the World.* By Wilfrid Wilberforce and A. R. Gilbert. London: Burns and Oates. 1906.

*The Immortality of the Human Soul.* By George Fell, S.J. Translated by Lawrence Villing, O.S.B. London: Sands & Co. 1906. 5s. net.

*On Religious Worship and Some Defects in Popular Devotions.* By Mgr. Geremia Bonomelli, Bishop of Cremona. With a letter to the English Translator, R. E. London: Burns and Oates. 2s. 6d. net.

*The Mother of Jesus.* By J. Herbert Williams. London: Kegan Paul, etc. 1906. 6s. net.

*Library of St. Francis de Sales.* The Spiritual Conferences. Translated from the Annecy Text, under the supervision of Abbot Gasquet and the late Canon Mackey, O.S.B. London: Burns and Oates. 1906. 6s.

*Das Alte Testament im Lichte des Alten Orients von Alfred Jeremias.* Leipzig: J. C. Heinrich. 10 marks.

*Tyburn Conferences.* Oxford, Douay, Tyburn. By Dom Bede Camm. London: Burns and Oates. 1906. 2s. 6d. net.

*Mary in the Gospels.* Lectures on the History of Our Blessed Lady.

By Rev. J. Spenser Northcote. A new and revised edition. London : Burns and Oates. 1906. 3s. 6d.

*Comforting Words for Widows and Others who Mourn.* Compiled by M. G., and edited by J. S. London : Elliot and Stock. 3s. 6d.

*The Garden of Roses of Our Lady.* By Father M. Meschler, S.J. Authorized Translation. London : Burns and Oates. 2s. 6d.

*A Text-Book of Irish Literature.* Part I. By Eleanor Hull. Dublin : M. H. Gill & Son ; London : David Nutt. 3s.

*The Church Catechism.* By Mrs. C. D. Francis. London : Elliot and Stock.

*In the Devil's Alley.* By May Quinlan. Westminster : Art and Book Co. 3s. 6d. net.

*Off to Jerusalem.* By Marie Agnes Benziger. New York : Benziger Bros. 1906. 4s. net.

*The Other Miss Lisle.* By M. C. Martin. New York : Benziger Bros. 1906. 4s. net.

*The Moores of Glynn.* By the Rev. J. Guinan. London : R. & T. Washbourne. 1907.

*Daniel O'Connell.* His Early Life and Journal, 1795 to 1802. By Arthur Houston, K.C., LL.D. London : Sir Isaac Pitman and Sons. 1906.

*A Bunch of Wild Flowers.* By Brian O'Higgins. Dublin : M. H. Gill and Son. 1906. 6d.

*A Manual of Bible History.* The Old Testament. By Charles Hart, B.A. London : R. & T. Washbourne. 1906.

*Exposition de la Morale Catholique.* IV. La Vertu. Carême 1906. E. Janvier. Paris : Lethielleux. 4 francs.

*The Victorics of Rome and the Temporal Monarchy of the Church.* By Kenelm Digby Best, Priest of the Oratory. London : Kegan Paul, etc.

*The Eucharist in Song.* A Simple Manual of Devotion for the Blessed Sacrament. Compiled by the Rev. T. H. L. Jellicoe (Rector of Challey, Sussex). With a Preface by the Rev. Walter Lock, D.D., Warden of Keble College, Oxford. London : Elliot and Stock. 1906. Paper cover, 6d.

*The Glories of the Sacred Heart.* From the German of Rev. M. Hausherr, S.J. With a Preface by the Rev. John Wynne, S.J. New York : Benziger Bros.

*Sermons.* By the Most Rev. Dr. Moriarty, late Bishop of Kerry. Dublin : M. H. Gill & Son, Ltd. 1906. One Vol. 6s. net.

*The Catholic's Manual.* By the Rev. Tilmann Pesch, S.J. Freiburg : B. Herder. Paper, 1s. 6d.

*From the Porch to the Altar.* By the Rev. John Thornton, M.A. London : Elliot and Stock.

*The Life of St. Agnes.* By Dom A. Smith, C.R.L. London : Washbourne. 1906.

*Prælectiones Dogmaticæ.* Christianus Pesch, S.J. Friburgi Bregoviae : Herder. Tom. II. Editio Tertia.

"*Ut Christiani ita et Romani sitis.*"—"As you are children of Christ, so be you children of Rome."  
(*Ex Dictis S. Patricii, in Libro Armacano, fol. 9.*)

# The Irish Ecclesiastical Record

A Monthly Journal, under Episcopal Sanction.

Fortieth Year ] FEBRUARY, 1907. [ Fourth Series.  
No. 470. ] Vol. XXI

## Evolution of Culture.

*Rev. R. Fullerton, St. Malachy's College, Belfast.*

## The First Friday and the First Sunday.

*Rev. David Dinneen, D.D., Youghal.*

## The Veto.

*Rev. M. J. O'Donnell, S.T.L., Maynooth College.*

## Memoirs of Prince Hohenlohe.

*The Editor, Maynooth College.*

## Canonization of the Irish Martyrs—Edict of His Grace the Archbishop of Dublin.

## Notes and Queries.

THEOLOGY. *Rev. J. M. Harty, D.D., Maynooth College.*  
Communion of the Sick.

CANON LAW. *Rt. Rev. Mgr. Luzio, Maynooth College.*  
Title of 'Monsignore,' Insignia and Privileges of Vicars-General and Capitular, Power of Vicars-General and Capitular about Formula VI.

LITURGY. *Rev. Patrick Morrisroe, Maynooth College.*  
First Friday Indulgences; necessity of Confession for gaining them. Use of Reversible Chasuble. Character of Music at a Low Mass: Prayers prescribed by Leo XIII. Altar Decoration on certain occasions in Lent. Benediction of the Most Holy Sacrament. Presence of Remains in Church and performance of certain Parochial functions, etc.

## Documents.

Excommunication and Ordination. Modification of the Law of Fast and Abstinence in Italy. A Question of Parochial Jurisdiction. Decision of sacred Congregation of Rites regarding certain ceremonies in connexion with Mass and Benediction, etc. Administration of Communion to the Sick who are not fasting.

## Notices of Books.

The God of Philosophy. A Compendium of Catechetical Instructions. Beati Petri Canisii, S.J. Sermons by Dr. Moriarty. On Religious Worship and some defects in popular Devotions. Studies in Irish History, 1603-1649.

*Nihil Obstat.*

TERENTIUS O'DONNELL, S.T.D.  
Censor Dep.

*Imprimi Potest.*

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## EVOLUTION OF CULTURE

### I.

**L**ET us eat and drink, for to-morrow we die.' No soul, no God, no hereafter. Man is nothing better than his dog or his horse, unless that he has been a little more fortunate in the disposition of the matter of which he is composed. Like the dog or the horse, he is born, lives a while, and dies ; and that is all. Materialists congratulate themselves on having explained everything without the introduction of that odious term, spirit ; or, if they have not satisfied themselves with regard to the origin, nature, and end of all things, they are consoled with the thought that they are on the high road to success, and given a little time they will satisfy all demands.

After having demonstrated to us, beyond the shadow of a doubt, that we are bound by ties of blood to the little object with the red garment you see perched on top of the street organ, these men of science ask our attention while they show us the very creditable progress we have made from a state just above, but barely above, the monkey. Much in the same way as the anatomist takes up a frog or a dead cat, Science takes up the human race, and with a plausible show of seriousness, real or feigned, proceeds to show us step by step the development of civilization from primitive savagery up to the present condition of society in Europe and America. Nor has Science

confined herself to the more material aspect of the question; ethics and religion find their explanation, too, for even religion itself lay latent in the primitive fire mist. A new school of Evolution arose and set itself to the task of showing the human race whence it came, how it came, and where it stands to-day in its relation to the past and to the future, from the point of view of civilization. But a hypothesis was necessary—hypotheses are always necessary in these cases. Ethnology cast about her and was happy in the choice. She took primitive savagery as the starting ground, and on this foundation was raised a theory buttressed by facts not altogether unquestionable. The following is a fair summary of the doctrine of this school :—

The savage state represents an early condition of mankind, out of which the present culture has been developed and evolved by processes still in regular operation as of old, showing that on the whole progress has prevailed over relapse.

Ethics and religion played a very important part in the evolution, in fact they are indispensable to the progress. But ethics and religion are all moonshine, originated as they were by false notions men got into their heads about spirits, ghosts, gods, then a hereafter, with its rewards and punishments. Yet the conclusions arrived at from these false impressions are very beneficial, nay, necessary for society, though of course they have no foundation in fact.

The present state of savagery, then, represents the first condition of the race. There is no God; and hence He cannot help in the work of Evolution. The race, therefore, unaided from without, developed through barbarism and the ancient cultures that civilization which is the boast of the present age.

## II.

What is civilization? I take the definition or description given by Mr. Tylor, in the opening chapter of his work on the subject. 'Culture or civilization,' he says,

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<sup>1</sup> Tylor, *Primitive Culture*, i. p. 28.

'taken in its widest ethnographic sense, is that complete whole which includes knowledge, belief, arts, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.' Now, there are two sides to human life and human society ; there is the mere material on the one hand, and on the other there is the moral and religious. The elements, therefore, of civilization may be grouped in two classes, ranging on one side, science, art, knowledge, custom, and law under their material aspect, and on the other morality and religion, and law as the safeguard of these two.

Now, it requires very little knowledge of human history or experience of the times in which we live, to see that these two branches of culture do not, *as a matter of fact*, go forward hand in hand, or mutually assist each other. Rather do history and observation prove that they not only do not assist each other, but that they are very much, though of course not necessarily, opposed. A glance at classic Greece and Rome, at England, Germany, and America of the present day, is sufficient to reveal material prosperity with very little regard for morality or for God.

Even in the individual, and it is of individuals that the State is made up, there is a continual fight of the spirit against the flesh, of the material asserting itself and trying to drive out the supernatural. The more the individual is concerned with the natural and mere material, the dimmer becomes the supernatural and spiritual ; it is a law which holds all round that the more men are engrossed in the affairs of this world, the more oblivious do they become of those pertaining to the next. Advance in culture means advance in prosperity and consequent riches which go to pamper the body, provoke the passions, and lower the standard of morality and religion. On the other hand, ethics and religion may be well advanced where temporal prosperity is almost unknown. For it is a fundamental principle, of our religion at least, that by many tribulations we must enter into the Kingdom of God, that if we wish to reign with Christ, we must also suffer with Christ ; that if we renounce all family ties and give

our property to feed the poor, we shall receive a hundred-fold in the life to come. It was this hope of future reward that strengthened individuals and nations to endure famine, oppression, even death itself in its most repulsive forms, when by one act against the dictates of conscience they might abound in peace and prosperity. Taking human society, as we find it present and past, it is almost universally true that these two groups of the elements of civilization do not develop along the same lines, nor do they develop to the same extent in any society; for while the material side is advancing the ethical and religious is lagging behind or perhaps relapsing; and, on the other hand ethics and religion may be well advanced where the material prosperity is but a minimum.

Since, therefore, there may be such a divergence between these two phases of human culture, it is important to fix on some standard which will be the test of civilization, for there is no meaning in treating of the development of civilization unless we have some means of judging the progress.

To which of these two aspects of civilization, then, are we to attach the greater importance, which should we consider the test of culture? Is the nation more advanced whose ethics and religion are of a higher standard than the nation whose material prosperity is well advanced but whose morals and religion count for little? It seems to me that the answer is very plain. Man is a rational animal, he has a spiritual soul created by God, and put on probation here a while to be rewarded or punished in a future life according to the good or evil done in the present. This is a fact, whatever scientific theorists may think about it. There are, therefore, two sides to human nature, the animal and the rational, the one in common with the lower animals, the other specifically higher. Hence the more the human being develops on the lines of that higher element of his nature, the higher will be his culture. Ethics and religion, as belonging to the higher and nobler side of human nature, should accordingly be the best test of civilization. I do not wish to say that the progress a people has made in the

various sciences, arts, commerce, manufactures, and so forth, is not an index of the people's civilization. I admit at once that it is ; but what I insist on is, that it is not the only test, nor is it the best. Morality and religion are the test. And this is the standard agreed upon implicitly at least by Materialists, too. According to them ethics and religion were the latest and highest development, and the evolution which produced them is still going on to purify and perfect them. It is their theory that man is descended from the lower animals, and that as the evolution went on, he developed what civilization he enjoys to-day. The more, therefore, he removes from the lower animals, and the higher consequently he ascends the moral and religious scale, the higher becomes his culture. Hence, even though there be no such thing as spirit, God, or eternity, Materialists must agree with us in making morality and religion the best test of civilization.

I have said so much on this point, because it seems to me that this is practically the solution of the whole question, yet, this is the point which Materialists seem to completely forget.

Now, when we look out on the condition of the race at the present day, we see at once that there is an indefinite number of states of society over Australia, Africa, America, in India, China, and the different countries of Europe : savagery, barbarism, and civilization exist in almost every conceivable form over the world. The question at once arises, how account for such differences in the state of the race ? Two answers may be given. There is the degeneration theory, according to which the race began in a more or less civilized condition, and thence proceeded along two opposite lines, one leading to higher culture the other to savagery ; and there is the progressionist hypothesis, that the primitive condition of the race was savagery, and that from this state man, left to himself, developed onward and upward, ethics and religion (?) being evolved in the process. This latter theory involves two points which I wish to consider :

(a) Primitive Savagery ; (b) That man, unaided from without, could and did develop what civilization he can lay claim to to-day.

#### A.—PRIMITIVE SAVAGERY

Now, strange to say, this hypothesis of primitive savagery is not supported by one single plausible argument, as far as I am aware. The only reasons advanced by such an authority as Mr. Tylor are a few customs and superstitions common to savagery and civilization, such as children's games, games of chance, traditional sayings, nursery poems, proverbs, riddles, and the like.<sup>1</sup> These are found to some extent in savage and civilized communities, and the conclusion is rapidly drawn. Therefore civilization is a growth from savagery. Children's games, riddles, and the rest are, to say the least, a rather flimsy proof for such a sweeping theory. There is, however, the existence of the savage state at the present day to be accounted for. Ethnologists insist that this represents the primitive state of the race. We contend, on the contrary, that degeneration from a state of civilization was the cause of savagery. Against the progressionist hypothesis we have, therefore, two questions to ask : 1st. Has degeneration taken place ? 2nd. Has that degeneration been from a primitive state of civilization ?

Is degeneration in civilization a fact ? Though he can only afford a few pages of his large work to the discussion of this side of the question, yet, in this short space, Mr. Tylor has produced abundant proof to show that not only is degeneration possible, but that it has taken place over most of the world where savagery exists to-day. I cannot stop to enumerate the cases of degeneration which have been established all through Africa, America, and elsewhere. Mr. Tylor draws attention to them (pp. 38 and *seqq.*), and gives numerous references. It is sufficient to say that archæology discovers throughout Africa and America monuments of earlier civilization among races

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<sup>1</sup> Chapter on 'Survival of Culture.'

that now exist in a state of the most abject misery and the lowest forms of savagery. Yet, these cases are summarily despatched, and the conclusion which the author comes to is this :—

The cases here mentioned are probably but part of a long series which might be brought forward to prove degeneration in culture to have been by no means the primary cause of the existence of savagery and barbarism in the world, but a secondary action largely and deeply affecting the development of civilization.<sup>1</sup>

We are here told that probably a long series of cases of degeneration might be brought forward. This series would cover most places inhabited by savages at the present time. At any rate degeneration from civilization is a fact, and ethnologists have to face the fact and try to explain it. Mr. Tylor is ready with an explanation in the passage quoted. The cases stated, he says, prove degeneration to have been by no means the primary cause of savagery, but only a secondary action affecting the evolution ; which means, that a people cannot degenerate in civilization unless they have first developed it : culture must be gained before it can be lost. This brings us to the second point, which is the real point at issue. Has the degeneration which has taken place been relapse to the primitive state, as these ethnologists hold, or has it been a falling away from an original civilization ? 'The master key to the situation,' says Mr. Tylor,<sup>2</sup> 'of man's primitive condition is held by pre-historic archæology. This key is the evidence of the stone age, proving that men of remotely ancient ages were in the savage state.' But why appeal to pre-historic archæology, to prove that men of remotely ancient ages were in the savage state ? They are in countless numbers in that state to-day. You have only to go down through Africa, cross over to America, or Australia, whether you have a knowledge of archæology or not, to see for yourself that there are millions of men in the most degraded state of savagery at the present time. The master key

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<sup>1</sup> *Primitive Culture*, i. p. 43.

<sup>2</sup> *Ibid.*, i. p. 52.

to the situation is to prove that the savage state was the primitive one, a point which has not been proved but merely stated by ethnographers. But, it will be retorted, has not a Materialist as much right to his statement as I have to say that civilization was the primitive condition ; for here we find savagery an actual fact at the present day, and we find, moreover, that, as far as archæology can furnish any proof, that state has always existed since man's first appearance on earth. The conclusion is, naturally, that the savage state represents the primitive. Let us see. Has archæology found evidence of savagery at man's first appearance on earth ? Archæology may prove that man first appeared in Europe, or Australia, or America, as a savage, but has archæology proved that man's first appearance in any of these places was his first on earth ? If archæology or any other science can prove that man's first appearance as a savage in any country was his first on earth, the question is settled for ever. But is this proved ? Archæology has established, let us say, that the first inhabitants of Europe, that left any traces of their existence behind them, were savages—the same applies to America and Australia—but how can we be sure that civilized men did not inhabit these places formerly though no traces of them have been found ? At most, archæology can only say it does not know. Besides, may not the race have been in existence somewhere in a civilized condition, and have pushed out from a common centre to those places whose first inhabitants were savages, as far as we know, losing its civilization on the way ? The real question is, where did the race begin, and what evidence have we in regard to primitive savagery or civilization in that place ?

As regards the former question, as to where the race began, neither archæology nor any other science can furnish the least clue. Archæology may unearth traces of mankind in the different strata ; it may compare them and, possibly, arrange them chronologically in particular places, but neither archæology nor ethnology can point to the place where the race began. We are told that pre-

historic archæology holds the key to the solution of the question ; but what can historic or pre-historic archæology do but disclose the traces of savagery or civilization which lie buried in the earth ; it cannot say which was first absolutely, though it may perhaps say which was first in that particular place. And, as a matter of fact, archæology has nothing to say to this whole question, nor does it pretend to tell us how or where the race began. As far as archæology, ethnology (of a kind), and the other sciences go, we simply know nothing of man's primitive condition. If Materialists, instead of pouncing with tiger-like agility on pieces of sharpened stone and bits of broken bones, that lie scattered here and there throughout the earth's strata, could be induced to lay aside their prejudice for a while, and turn their attention to the best authenticated record of man's primitive state which the world holds, they would find that key to the situation which they appeal in vain to archæology to supply.

After 2,000 years of the most hostile criticism the Bible still holds the field in defiance of its bitterest enemies. For hundreds of years it has stood in the glare of the search-light which Rationalism and Materialism have turned upon it, and it has yet to be proved faulty. Nevertheless, so-called ethnologists, breathless in their pursuit, apparently, of truth, fling the Bible aside, and hurl a bundle of childish superstitions and games, nursery poems and riddles at you, asking you to accept that, for the present, as proof that your first fathers were savages, and maybe, when the millennium comes, they will be able to supply you with something better. If Materialists would only take up the Bible, and treat it with at least as much respect as they do the doubtful findings of archæology or the romances of travellers, like Louis de Rougemont, who, a few years ago, duped the English public with his supposed Australian adventures, they would find that the original state of the race is not enveloped in the mists of pre-historic times ; they would find that the primitive state of the race was not savagery, but monotheistic civilization of a kind, however early the savage state may have commenced.

According to the Bible account, the race began in a state of monotheistic civilization, not by any means perfect, after the Fall, yet not savage. We look in vain to archæology for any inkling as to the place where the race began, and were it not for the Bible we should know absolutely nothing about it. According to the Bible account, man began his existence on earth in the south-western corner of Asia, and thence the race extended outwards over the world. Now, it was a fact, at least before the influence of the Catholic Church moulded and fashioned the future civilization of the world, that the further men were removed from this common centre, the cradle of the race, the more uncivilized were they found ; as it is a fact to-day, that in the extremes of the globe the lowest forms of savagery are to be met with. And with regard to the place itself where the race started : what has archæology to say about its early inhabitants ? Archæology testifies to the existence of a very high-class civilization in ancient Egypt, Palestine, and Assyria. Not only has it failed to produce any traces of primitive savagery in the place where the race began, but it has unearthed monuments of civilization as far back as there are traces of man. Archæology cannot say that this was the first place inhabited by man. The Bible here comes to its assistance, and both testify to the existence of a very ancient civilization, and, according to the Bible, civilization, not savagery, was the primitive state of the race.

Now, if this be so—and there is no reason for doubting it—what is the meaning of the hypothesis that the primitive condition of mankind was savagery ? And what is the meaning of telling us that the ancient civilization of Egypt and Assyria was a growth from savagery ? If the Bible, and even archæology to which these men of science appeal, show that men were civilized as far back as we have any knowledge of the past, why push back beyond the evidence and postulate a state of things for which there is absolutely no proof, or shadow of proof ? Ethnologists' key to the situation, as Tylor tells us, is pre-historic archæology. The existence of the stone age, it is said, shows

that in far-off ages men were in the savage state. That proves undoubtedly that there was a stone age and a savage state, if you will, in that place ; but we want proof that the race began there, or at all events, that wherever it began, its primitive condition was savagery. We have seen, however, that archæology has no opinion to offer as to the whereabouts of the primogenitors of the race, that the Bible locates it, and that there archæology finds traces of civilization, as far as archæology can tell us of the past.

Apart from the question as to how or where the race began on earth, it may not be irrelevant to ask whence came the human soul ? Of course, Materialists will at once deny the existence of such a thing as Spirit. Nevertheless, it is a fact ; a fact of the truth of which all men practically, at all times, have been convinced. God, Creation, Spirit, Eternity, are facts, not hypotheses thrown back into the mists of pre-historic times ; they are great living truths, truths always and everywhere accepted by the bulk of mankind, truths for which we have abundant proof to hand. Convinced as he is, that the soul of every human being comes directly from the hand of God, and goes back to Him, no one who believes in a future life can conceive how God would leave man for ages in such a state as Materialists postulate. This must be our excuse if we cannot see eye to eye with those who scout the idea of spirit and immortality. For if God created, and gave to every human being that ever existed an immortal soul to know Him and serve Him in this life, and to enjoy Him for ever in the next, it is inconceivable how man could be left in absolute ignorance of His creator and of his obligations to Him. If God created man and endowed him with a spiritual soul, or if He raised the human animal to the dignity of rational nature in order that he, as representing the works of creation, might in a fitting way give to God that extrinsic glory which is the final cause of His work ; if this be so, then it is impossible that man should, throughout almost interminable ages, be in utter, hopeless ignorance of himself and his destiny, his beginning and his end, his relations

and obligations to God. It is on account of these great fundamental truths of his religion that one who believes he has a spiritual soul created by God, must hold that man's primitive state was not savagery, but civilization of a kind, not necessarily perfect, yet by no means savage, as savagery is understood by Materialists.

R. FULLERTON.

*[To be continued.]*

## THE FIRST FRIDAY AND THE FIRST SUNDAY

**T**HE discussion concerning the devotion of the Nine Fridays, which appeared in the last July issue of the I. E. RECORD, brought me a very interesting letter from which I take the liberty of giving the following extract :—

. . . The question is not on the devotion of the Nine First Fridays, but on the devotion of the First Friday. It is this : Supposing a person goes to Holy Communion only once a month—whether is it more pleasing to our Lord, more the intention of the Church, and more beneficial to himself, to receive on the First Sunday of the month, or on the First Friday? In the discussion of this question it seems the following should be admitted :—

1. The recommendation of our Lord to Blessed Margaret Mary (supposed a fact) to receive Holy Communion on the First Friday in honour of the Sacred Heart, was made to a religious.
2. Every religious is supposed to receive Holy Communion at least on Sunday.
3. Therefore the recommendation (or wish) of our Lord referred to an *extra* Communion and not to a mere change in the day of the ordinary Communion.
4. Receiving Holy Communion is one of the ways of sanctifying the Sunday ; and the intention of the Church, the practice of the Church, and the edification of the faithful, at least suggest that Sunday should have the preference over any other day of the week.

The writer, whose interest in the question is not exclusively personal, in asking me for my opinion, suggested that a reply given in general in the pages of the I. E. RECORD might be of interest. When I began to think over the matter, it struck me that it would scarcely lend itself to such a method of treatment. But as my thoughts continued they not merely lived but grew and multiplied amazingly ; so much so that I have found the question broad and deep, and engrossingly interesting. As a result, I have not been

able to resist the temptation to speak my thoughts a little from the housetops.

I should like to say a parenthetical word in reference to the parenthesis, 'supposed a fact.' When speaking of the historical aspect of the revelation made to Blessed Margaret Mary, I stated that I had no choice but to leave the question an open one. Might I give expression to an idea which was in the background of my thoughts even then, and which has not been wrested from its position since. It is this: Even if the revelation had been most certainly made, it may have been part of the original divine purpose so to dispose the forces of history, that convincing evidence in its favour would never be forthcoming. I simply give the idea for what it is worth. It may, perhaps, be worthless; but this we know, that a little fear is sometimes salutary, and, in many things, 'security is mortals' chiefest enemy.'

I now pass on to discuss the substantial question, having premised two things. First, the consideration of the question involves very practical issues, and, therefore, ought to lead to some practical result. Were I of a different opinion, I should not deem it worth while to say one word about the matter. Secondly, I cannot claim to speak with any authority; and whatever I may say must be understood as put forward with all due intellectual submission. The Church has not pronounced formally on the subject one way or the other. It only remains, therefore, to try and solve the question by way of certain or probable deductions from the facts of ecclesiastical history and from recognized theological principles.

The argument embodied in the three first propositions can be very easily made a subject of clear understanding. The second, that every religious is supposed to receive Holy Communion at least on Sunday, is of course unassailable. The first, that the recommendation made to Blessed Margaret Mary was made to a religious, is also obviously true: in this sense, that it was made in the first instance to a religious. But, from the very character of the devotion, not less than from the words of revelation,

it is equally evident that the recommendation was not intended exclusively for religious, but was destined, in its ultimate purpose, for the general body of the faithful.

The conclusion, therefore, namely, that the recommendation in question refers to an extra Communion is warranted, but with a like limitation. That is, it is a fair inference that, for religious at least, there can be no question of a choice between the First Friday and the First Sunday; both are to be considered as days on which, according to the special wish of our Blessed Lord, religious should become partakers of His Precious Body and Blood.

? But the question, in as far as it concerns the faithful generally, still remains undecided. In the supposition that the recommendation to receive Holy Communion on the First Friday was actually made to the saint, and was intended for all members of the Church—what was our Lord's design as regards communicating on the First Sunday? Did He wish, either then or in any circumstances, to supersede the devotion of the First Sunday? His will, indeed, is our sanctification; the oftener we receive Him, if we receive not unworthily, the more surely do we fulfil His behests; and all who can come are invited not merely for the First Friday, but for the First Sunday. So much is plain. But in regard of those whom inclination or opportunity will not bring to the King's table oftener than once a month, what is the will of the Divine Host? To which day does He wish the preference to be given? Are we to consider His invitations issued for the First Sunday, or for the First Friday?

What says the witness of history? While I do not consider it as in any way definitely deciding the issue, it helps, I believe, at the same time, to correct or obviate erroneous notions. Whoever wishes for a most instructive and fascinating treatment of the history of Holy Communion in the Church, from the earliest years of Christianity down to the sixteenth century, need not go farther than the well-known book by the late Father Dalgairns' *On Holy Communion*. As relevant to my purpose I give

the following summaries from the chapter dealing with the history of Holy Communion :—

1. Many a long year passed over before the touching description of the early Church, in the Acts of the Apostles, ceased to apply to Christianity, that their chief characteristics were their perseverance in prayer and their breaking the Eucharistic bread. . . . If they could not have their daily Mass above ground, they must burrow under the earth (in the catacombs) to find it. Besides which the daily Communion was an indispensable accompaniment to the Mass.

2. St. Basil (who died in 379) tells us that, in his time, the faithful in Egypt still carried the Blessed Sacrament home. Daily Communion, it is true, was more rare, but the faithful in Alexandria and Cæsarea still communicated three or four times a week.

3. It is very difficult, perhaps impossible to say when the old discipline of the Church went out, and Christians began to communicate very seldom. Probably there was a great diversity in different places. I think, however, that we may say on the whole, that good Christians still communicated once a week down to the time of Charlemagne, that is, the beginning of the ninth century.

4. At the very end of the sixth century, we know from St. Gregory the Great, that at Rome Sunday was still a day of general Communion.

5. I should feel inclined to date the commencement of the decline of frequent Communion among Christians living in the world, from the middle of the ninth century.

6. The culminating point of the medieval splendour of the Church is the Fourth Lateran Council (1215). . . . Yet it was precisely then, when the world was at her feet, that the Church was compelled to enact penalties against her children who did not communicate once a year, and to limit her commands to an Easter Communion, because she durst not require more.

That the devotion of the ordinary faithful should have ebbed so disastrously is not quite inexplicable ; but there is surely mystery in the fact that infrequent Communion was then, and had been for some time, not merely the practice but the precept of the saints. We may not dare, perhaps, to call it a mysterious divine economy, but it is assuredly a strange study in contrast—on the one hand,

our present Holy Father, Pope Pius X, exhorting all the faithful to daily Communion, as undeniably the Christian ideal as it was certainly the Apostolic practice; and, on the other, St. Francis, the Seraph of Assisi, allowing only one priest to say Mass every day in each convent of his Order, and quite content that his nuns of St. Clare should communicate only six times during the whole calendar of the year!

I again summarize the history of later times in the words of Father Dalgairns:—

7. Things seem to have come to their worst in the thirteenth century. Even the Benedictines and their offshoots, who had been faithful to their old rule of Communion every Sunday, now began to relax.

The latter part of the fourteenth century witnessed a blessed change, when St. Vincent Ferrer went from end to end of Europe, preaching God's mercy as the rule of hope, and frequent Communion as the rule of perseverance. He was indeed a bright light shining in the wilderness—but the light went out.

8. The struggle between the powers of light and darkness grew more fierce, and was brought to an issue in the sixteenth century. St. Ignatius and his companions were nearly brought before the Inquisition for communicating once a week. One of the early Fathers of the Oratory got himself ordained priest, because he could not obtain Communion from the priests of the time.

Even in Rome itself, frequent Communion was not only a thing unknown, but was under the shadow of a ban, until God sent His apostle, St. Philip Neri.

9. What St. Catherine of Sienna spent her life in preaching, what Tauler, St. Vincent Ferrer, and Savonarola fought for, St. Philip brought to pass. To counterbalance the fearful dangers which encompass us since the Reformation, the Holy Spirit inspired the saint to inaugurate a movement in favour of frequent Communion, which from that day to this has never ceased.

That it has not ceased, but has, even in this our own day, come to a happy consummation, is quite true. But

it would be a very great mistake to suppose that its path was not an uphill one, or that the obstacles to its progress were light and few. Progress there was ; but it was fitful, laboured, and slow. The world and the flesh and the devil strove against the movement mightily ; custom, grown strong with the momentum of centuries, cried ' Halt ! ' to its advance ; and even the voices of God's saints seemed to challenge its right of way in accents of strange command.

In the seventeenth century it was blessed in having such giant champions as St. Francis de Sales and St. Vincent de Paul. Nevertheless, when, in 1643, a book appeared in France with the title *Frequent Communion*, from the clever pen of Antoine Arnauld, a Jansenist and a doctor of the Sorbonne, it did not come upon a world quite unprepared to receive it. The author protested indeed that he had no intention of discouraging the practice of frequent Communion, but almost every page of his book proved the hollowness of his protestation. It became the rage all through France. It was considered suspect of course ; but, partly for that very reason, it was eagerly sought after, and received an honoured place as a spiritual book on the book-shelves of the most devout. And its evil influence seems almost imperishable. Even here in Ireland, at this very hour, we have not quite shaken off the spell of its black magic.

Whither am I tending ? To this inevitable conclusion, that when our Blessed Lord, in 1688, vouchsafed the revelation to Blessed Margaret Mary in reference to Holy Communion on the First Friday, there was very little danger of interfering with Holy Communion as a devotion of the First Sunday—for the very sufficient reason that such monthly Communion was a devotion very little in vogue amongst the body of the faithful.

In committing myself to this view, I am not unmindful of the fact that, nine years previously, Pope Innocent XI solemnly declared that the secular state was no bar to frequent, or even to daily Communion. For this decree supposes that the law of fear still held sway in the Church,

or, at least was struggling to maintain its hold with some degree of success ; and it suggests the thought, too, that, even in Rome, the seed sown by St. Philip had yet to ripen into the harvest. Nay, the revelation of the Twelfth Promise itself, is most naturally understood as our Blessed Lord's own divine way of coming to the rescue of the law of love.

I now come to the cumulative argument contained in proposition 4 of the extract which I have taken as my text. In view of what has been already said it may be stated as follows :

Our Blessed Lord, in giving the revelation, did not wish to interfere with vested rights. Now, though the First Sunday was not then in actual possession, as a day of general Communion, it had been in possession—as indeed every Sunday—in Apostolic times, and had been wrongly ousted from its place ; for Sunday had remained a day of general Communion long after the other days of the week had ceased to be such. This preferential claim has been solemnly recognized in our day by the Church, the divinely-appointed interpreter of the divine will, inasmuch as she has granted a plenary indulgence to the faithful who receive Holy Communion on the First Sunday. Moreover, there is the command, as old as Christianity itself, to sanctify the Sunday ; and, surely, to receive Holy Communion is one of the ways of compassing such sanctification. Lastly, it is urged that the receiving Holy Communion on Sunday is a source of greater edification to the people than receiving on Friday could be.

All these considerations present a strong front in defence of the claims of the First Sunday. But let us hear the other side.

And first, as to edification. I think the foregoing statement is open to denial. For, edification comes from hearing as well as from seeing. And again, the motive of a sacred action is to be presumed itself sacred in default of proof to the contrary ; and I cannot see why the reception of Holy Communion on the First Friday is not in itself as holy and praiseworthy an action, and may not be done from

as holy and praiseworthy a motive, as reception on the First Sunday. Except, indeed, such a preference is contrary to the will of our Divine Lord or of His Church ; but, this is supposing what yet remains to be proved. And, as to the question of fact, it would be very hard to show that the devotion of the First Friday has in any degree contributed to lower the standard of the sanctification of the Sunday, or to lessen the reverence and love of the faithful for the Divine Sacrament of the Altar.

Secondly, as to the historical evidences in favour of the First Sunday. That Sunday remained a day of general Communion long after the other days of the week had ceased to be so, is indisputable. But what is the inference ? What was the reason for the preference ? As far as my reading of the history of this question has led me, the reason seems to have been simply this—that the fervour of devotion, which had ceased to be strong enough to go to the inconvenience of receiving Holy Communion on week days, when worldly occupations claimed one's allegiance, was yet strong enough to bring the faithful to the Altar rails on Sunday, when, by command of the Church, worldly occupations were suspended. The granting of a plenary indulgence on the First Sunday has ceased to have any force as an argument of preference. For, the plenary indulgence formerly confined to members of a sodality of the Sacred Heart, who received Holy Communion on the First Friday, has been extended by the Church to all the faithful without exception.<sup>1</sup>

But, is not receiving Holy Communion, after all, a means of sanctifying the Sunday ? And, if there be a law of the Church compelling us to attain the end, is it not to be understood as also solemnly inviting us at least to adopt all the available means ? There is no strict obligation of receiving because there is no expression of the Church's binding will to this effect ; but, short of that, may we not characterize the Church's attitude towards such a means by the name of most special desire ?

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<sup>1</sup> When discussing the devotion of the ' Nine Fridays,' I was not aware that the privilege of a plenary indulgence granted to Sodalities of the Sacred Heart, had been made universal. See November I. E. RECORD.

This, as it appears to me, is the kernel of the theological argument in favour of the First Sunday. But let us make the issue clear. That receiving Holy Communion is a means of sanctifying the Sunday is just as evident as that it is a means of sanctifying every other day of the week. In this sense, the argument is of no avail. But, there is a sanctification of the Sunday which is of obligation : is receiving Holy Communion a means to this special bounden sanctification ? Does it enter into it as an integral part ? In other words, is the reception of Holy Communion in any sense included under, or covered by, the law of sanctifying the Sunday ? The answer to this question will very much help, I think, to decided the whole matter at issue.

The law, apostolic though not divine, enforcing the sanctification of the Sunday imposes a twofold obligation ; the Sunday observance which is of precept includes abstention from servile work and participation in sacrifice.

Let us first consider the law in its negative aspect, that is, as forbidding servile work. The Old Law enforced this precept of Sabbath observance with the utmost rigour and with most searching minuteness. The Old Law has passed away, having fulfilled its destiny, and the Church, the divinely-commissioned moderator of the New Dispensation, deals more leniently with her children in enforcing the Sabbath rest. But, the objective of the law is, in both dispensations, the same in character. The enactment is a means to an end ; it is setting a day apart in which humanity may solemnly acknowledge the absolute sovereignty of its Creator by prayer and worship. It does not regard individuals as such ; its concern is for the worship of God by the whole human race, or at least by that portion of the race over which the legislative authority can claim jurisdiction. This consideration enables us to understand why servile, that is (speaking generally) mechanical, work is forbidden, while purely intellectual work of a secular character does not come under a ban, though this latter may be much more engrossing, and, therefore, much more calculated to interfere with the individual worship of the Creator. But, it makes no noise abroad ; it does not break

in upon the silence, nor disturb the solemn hush of things. And, therefore, of itself, it creates no obstacle to the proper discharge of the duty of worship by the body of mankind. This characteristic of the precept of the Sabbath rest could be illustrated much more in detail. Enough, however, has been said to show that the sanctification at which this precept aims, is not private but public, not individual but social.

The law of rest, let me repeat, is a means to an end ; and the end is the law of worship, more especially of that act of worship which, from its very nature and significance, is consecrated exclusively to the Godhead—I mean the worship of sacrifice.

Even at the expense of wandering a little, I cannot here resist the temptation to call attention to what must be regarded as a very imperfect—though very common—enunciation of a most interesting truth. In the New Law, we hear it said, the day of rest was changed from the last to the first day of the week. So it was ; but this is giving expression to only half the truth—and much the lesser half. For it was rather the law of worship and sacrifice which was wedded to the first day of the week ; and, as a consequence, the law of rest, whose office is to prepare the way for, and to guard, the higher and more fundamental law, was compelled to break its olden bond.

We can thus more readily understand the double reason of the change. The law of worship is a necessity laid upon the whole race of man, because of creation and conservation. Man's first duty is to God ; and if any one day out of the seven is to be chosen out and solemnly dedicated to the fulfilment of this duty, the more surely to have it fulfilled, what more natural than that the day chosen should be the first ?

Then, there is a special fitness in the choice of the first day as the day of the law of Christian sacrifice. For, the first day of the week chronicles two solemn and memorable exercises of divine dominion in the order of the new creation. Christ arose on the first day ; and the Resurrection is the chief corner-stone of Christian logic, and the

great pre-requisite of Christian faith : if Christ be not risen, preaching is vain and faith is folly. On the first day of the week, therefore, the Godhead, by a new process, took solemn possession of the human mind.

And, again, on the first day, the Holy Ghost descended upon the twelve poor fishermen of Galilee, the predestined regenerators of the world. This was another exercise of divine dominion, having an immediate relation to the twelve Apostles, and an ultimate relation to the world which they were to teach and to renovate. For, by virtue of those tongues of flame—figures of that subtle masterfulness, liberty-respecting but yet compelling, which comes from the unction of the Holy Spirit—the Godhead entered into possession of the human heart, with a new title to proprietorship.

☞ The first day of the week, then, is a day worthy of special remembrance ; it is a day which has a peculiar claim that it should be consecrated to Christian sacrifice. It is a day, above all other days, on which regenerated humanity, by participating in the great Sacrifice of the New Law, should acknowledge, with humble mind and uplifted heart, the absolute supremacy of the great Lord-Suzerain, from whom it holds in fee its mind, its heart, its soul, its life, its inmost being.

And this great Sacrifice of obligation—what is its character and significance ? What manner of sanctification does it purpose to achieve ? I do not propose these queries in reference to the special fruit which is the result of voluntary application by the minister to individual created wants. They are meant rather to refer to unconditioned sacrificial effects, especially to the cardinal effect of sacrifice, which is worship in the highest.

To the inquiry thus understood, the very definition of sacrifice will furnish the answer. For the soul, the fundamental idea, of sacrifice includes a properly constituted minister. And why ? Because the action of sacrifice is, by its very nature, a public and social action ; and, though effected by one, it is by one who has a right to act in the name of all—which can only be by legitimate deputation.

This is true of sacrifice in any order of Providence ; our faith teaches that it is so with regard to the Sacrifice of the New Law. For, it is only priests rightly ordained who can validly offer the Holy Sacrifice of the Mass.

This inborn character of sacrifice is very aptly illustrated in the ritual of Holy Mass. Every sacrificial word that is uttered, every action and movement in touch with the sacrificial oblation, bespeaks a corporate, not a personal, responsibility in the minister. I pass over the introductory portion of the rite to consider the actual beginning of the sacrifice, namely, the preparation of the victim, which is made at the offertory. The Host, it is true, the minister offers up with a personal intonation, but he does not quite dissociate himself from 'those who stand around.' And he goes on to correct himself, as it were, when he offers the chalice, as he declares, with unmistakable emphasis, that his ministry is not personal, but social : 'We offer thee, O Lord, the chalice of salvation.' He still further accentuates this solidarity of action when, at the *Orate fratres*, he asks the congregation to pray that their and his sacrifice may find acceptance with God, the Almighty Father. And all through the ceremony—except where he loses himself utterly in the personality of Christ at the moments of consecration—it is always 'we,' and never 'I.'

This with a limitation, however. For there is a break in this continuity immediately after the *Agnus Dei*. From this moment to the consumption of the Precious Blood, the priest forgets the congregation altogether, and, in secret and alone, holds solemn personal converse with the Lord Jesus Christ. Such a change, it is evident, cannot be devoid of peculiar import, which it is part of my purpose to consider.

The reason of the change is not very far to seek. The priest is nearing the consumption of the Sacred Victim, thereby to complete the sacrificial rite. But,—and herein is supremely shown the pregnant reality of the Christian dispensation—this consumption of the Divine Victim, hidden under the sacred species, while only an accidental

though integral portion of the sacrificial rite, is of the very substance of the great Sacrament of the New Law. At the consecration, the God-Man is destroyed sacrificially, and begotten sacramentally ; but the sacrificial aspect predominates. The communion of the priest is the completion of the sacrifice and the reception of the sacrament ; but the predominant feature is the sacramental. This change it is which necessitates, as it were, the individual isolation of the minister during the latter portion of the ceremony.

Why is such change of attitude necessary or fitting ? it will be asked. And I answer : because of the character and function of the Most Holy Sacrament of the Eucharist. Of some of the other sacraments it is true to assert that their ultimate aim is public and social, and not merely private or personal. I refer to Holy Orders and Matrimony. It is quite the reverse, however, with the Holy Eucharist. Its whole aim and object, immediate and ultimate, is the sanctification of the individual soul by union with the Lord Jesus Christ, true God and true Man.

I am quite aware that this sacrament, in common with every other sacrament of the New Dispensation, postulates for its existence a rightly constituted minister. Such constitution is indeed of paramount necessity—not, however, that the minister may be able to speak in the name of his brethren, but that he may be able to speak in the name, and with the authority of Christ, whose Omnipotent word alone can realize the inherent divine efficiency characteristic of the sacramental rite.

The sole objective of the sacrament of the Blessed Eucharist is union ; real union between man and God Incarnate ; not real union between God and the human race, for this was completed once and for ever at the Incarnation, but union between God and the individual. The Blessed Eucharist is in fact the most intensely personal and individual of all the sacraments in all its relations with the recipient ; for example, the individual can administer it to himself, as the priest does wherever he celebrates Mass.

Here, then, we have an illustration of the old saying,

that the surest and most suggestive commentary on Catholic belief is to be found in the solemn liturgy of the Church. The sacred minister, when he approaches the consumption of the consecrated species, is bidden to isolate himself, to betake himself in spirit apart from the worshipping multitude who are around him, and who, up to this moment, have been one with him as co-offerers of the great Sacrifice. And this seemingly strange command is laid upon him, because he is now on the threshold of a portion of the sacred rite which is predominantly his own individual concern, and has for its aim his own personal sanctification : he is just about to become a partaker of the great sacrament of the Lord's Body and Blood.

This consideration, too, will serve to give a reply to the question as to the relation which the law of the sanctification of the Sunday bears to the reception of Holy Communion. This law, as has been sufficiently demonstrated, is, in its double bearing as a law of rest and of sacrifice, not individual, but social ; social in its aims, and social in all its appointments. The reception of Holy Communion, on the contrary, is, both in its aim and in its appointments, essentially a matter of individual relationship with God, of which personal and individual sanctification alone can be predicated. It follows that the law of Sunday sanctification in no sense covers or includes, as an integral part, the receiving of Holy Communion. I would go even farther and say, that from the standpoint of objective, participation in any public religious function is more nearly related to the law of the holy keeping of the Sunday than is participation in the sacred banquet of the Most Holy Eucharist.

Sunday has, however, another claim on Holy Communion ; because, namely, the Communion of the faithful in some degree pertains to the completion of the Sacrifice of the Mass. And yet, 'claim' is too strong a word in which to clothe the relation ; for, the Communion of those who assist is not in any sense an integral portion of the sacrifice. But it is the ideal fulfilment of the law of sacrifice, and was the universal practice of the Apostolic Church,

when faith was almost vision and charity was a consuming fire. This seems to be the sole outstanding title—and a very unconvincing one, truly—that Sunday can be said to possess to special sacramental allegiance.

And it would be embarrassing were it otherwise. For, as far as it has been given us to know her mind, Holy Church refuses to acknowledge any right of preference. She comes before us, holding the balance weighted evenly, dowering the First Friday and the First Sunday with equally lavish hand.

It must, therefore, be acknowledged that in this matter no binding rule of devotion exists which can make for uniformity of practice. It would, however, be a mistake to conclude that the selection of one day in preference to the other must be purely arbitrary. For, there is a criterion by which each individual may become a law unto himself. It is the fundamental rule of results.

And its application is in this wise. The sacraments of the New Law have, in their own right, and by reason of their inherent dignity, the virtue of imparting the divine gifts of sanctifying and sacramental grace to the soul of the recipient. It is part of Catholic teaching, however, that this divine sacramental virtue may be altogether frustrated or partially fettered. A Christian who dares to approach the Holy Table with the consciousness of mortal sin unforgiven, receives a sacrament; but far from receiving the gift of grace, he eats and drinks judgment to himself. But even where the reception is worthy, the degree of grace imparted is not always the same, but greater or less, according to the greater or less perfection of disposition on the part of the recipient. Not that the grace given by the sacrament is the wage of good dispositions, but that, according to the divine scheme of supernatural co-operation, the degree of sacramental effect is proportioned to, though not precisely measured by, the supernatural capacity for receiving.

The more perfect, then, the communicant's disposition of soul, the greater the supernatural receptivity, and the greater the sacramental effect. Now, it is quite conceivable

that, for most people, the day and the circumstances of receiving will have a certain influence on their preparation for, and thanksgiving after, Holy Communion. To many, perhaps, Sunday will be a more helpful day. The solemn rest, the pervading atmosphere of quiet and of prayerful recollection, and, in the Church, the multitude of worshippers—all these things uplift the souls of many to a degree, it may be, which is beyond the virtue of any other day of the week to effect. Of all such souls, if they wish to choose, these considerations will very much influence the choosing.

To very many, on the other hand, Friday is, in a very special manner, a dear and a hallowed day, breathing pungent odours of myrrh. It grips their souls with a strange symbolic force. Its sky is streaked with blood and clouded with tears, and there is a sighing, as of sorrow, in the wind. Its morning Mass shows as though almost something more than an unbloody renewal of the great Sacrifice of Calvary. The crucifix above the altar seems freighted with a Living Freight. The Sacred Hands and Feet are dripping blood anew; the thorns once again shoot their arrows of pain into the Sacred Brow; and the Sacred Heart seems to quiver, though dead, beneath the thrust of the Roman lance. Influences like these are the zealous handmaidens of faith and hope and love, and of that divinest of all human feelings, compassion for a suffering God. Holy Communion received amid the stress of such a so divine an environment will, like the seed sown on good ground, bring forth fruit a hundred-fold. And all, over whose hearts the First Friday holds such sacred empire, should cleave for ever to an allegiance thus golden.

Do I seem to lean to the First Friday as a day of Holy Communion for all? Perhaps I do. If so, it is because I cannot rid myself of the impression that, even as I write, I hear the echoes of a voice quietly, but insistently, advocating its claims, speaking words of pleading and of promise. I listen—and the voice seems to come from Paray-le-Monial. And I dare not affirm that it is other than Divine.

D. DINNEEN.

## THE VETO

**T**O an Irish Catholic who views the present religious crisis in France, and traces its existence, in part at least, to the principle of secular interference in the government of the Church, it must be a serious reflection that, but for the determined stand made by Irishmen a century ago, we might ourselves be heirs to a situation scarcely less critical. The French Catholics, like the Irish, were then offered an arrangement combining a State support of the clergy with a grant to the Government of a certain power in the appointment of the bishops. France at once accepted: Ireland, after a prolonged discussion, finally refused. The event is an important one in the history of the Irish Church, and, while all will recall the facts in a general way, some may not object to being reminded in detail of the various stages through which the controversy passed.

It began in 1799. The second century of penal legislation was then drawing to its close, and the attempts of the English Government to force the nation into conformity with Protestant ideas had proved completely ineffective. Better days seemed at length in store for Ireland. England's subjects in America had thrown off the yoke, and the rising ambition of Napoleon seriously threatened her power nearer home. She had, in consequence, for the last few years shown a willingness to relax somewhat the rigour of the penal code. But there her kindness ended. She was determined to bring about a union of the two countries, and exercise a more effective control over the Irish political life. Nor was that enough. Years of suffering in the common cause of religion and country had bound the Catholics close together, and given the priests a powerful influence even in matters outside their special jurisdiction. That influence Pitt and his followers were anxious to control: it was no part of their

design that, after the passing of the Act of Union, and especially in the event of Catholic Emancipation, positions of influence in the Irish Church should be open to men whose devotion to the Government might seriously be questioned.

'The Catholics in Ireland,' as Castlereagh afterwards explained,<sup>1</sup> were less attached to the Government, and more subservient to foreign influence than in any other country: the State should help to emancipate them, for they had never attempted, like the Gallicans, to do so themselves: they should attach themselves to their own government to the exclusion of all others.' Precautions should be adopted to restrain within the limits of spiritual jurisdiction the influence exercised by the Sovereign Pontiff and bishops over the Irish people. Loyalty should become the watchword and ultra-montanism cease. It was recognized that, if the aims of the Government were to be attained, and agreement with the Hierarchy, based on the principle of compromise and mutual concession, was the only means likely to prove effective. A scheme was agreed to, and Castlereagh—skilled agent in matters of the kind—was entrusted with the task of making known to the Irish Bishops the wishes of the Crown.

The opportunity soon arrived. The four Metropolitans and six senior Bishops—trustees of Maynooth College—having met in Dublin on the 16th January, 1799, to transact certain matters of their own, Castlereagh approached them and informed them of the intentions of the Government in their regard. England was now, he told them, disposed to ameliorate the temporal condition of the Catholic clergy, and was anxious they should show their appreciation of her generosity by a ready co-operation with her wishes. There was, he assured them, no wish for direct control over appointments, but the Government was anxious to have some means of being satisfied of the loyalty of prelates who were to watch over the spiritual interest of Catholic subjects and enjoy immense influence in their

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<sup>1</sup> In his speech on the Catholic question, in 1810. Cf. Pitt's reply to Mr. Grey in Parliament, 1801.

temporal matters also. Let the Catholics grant the King a negative power of opposing the election of undesirable candidates. In return for such a concession, the Government would raise the clergy from a condition of dependence on an impoverished people, and enable them, in times of popular tumult, to walk with a firmer and bolder step in the path of duty.

To the prelates all this appeared quite natural and just. The rights of Government seemed to demand that men appointed to high positions should not be foes to civil order and established rule. The Church had often granted princes, either directly or by tacit approval, considerable power in the election of prelates within their dominions. The sad experiences of two hundred years had strongly impressed on their minds the evils of persecution and Government hostility. The advantages of Emancipation no one realized more fully than they; and Emancipation, they were led to believe, would be granted only on condition of their giving some such pledge of their loyalty as the Ministers demanded. Finally the temporal prospects of the clergy, whose only source of revenue lay in the voluntary offerings of their flocks, seemed hardly such as became their sacred calling. Without having recourse, then, to the supposition that undue influence was exercised to induce them to assent,<sup>1</sup> we can easily understand the motives which led them to take a step they afterwards bitterly regretted. They yielded to Castlereagh's demands. They agreed that the Government claims were perfectly just, and that a State support should be thankfully received. To secure the loyalty of the prelates, they decreed that, when a see became vacant, the names of the nominated candidates should be submitted to the Crown: those to which reasonable objection on civil grounds were raised should be removed; and this process should go on until a candidate were found whose claims would meet the approval of temporal and ecclesiastical superiors.

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<sup>1</sup> Dr. Milner and Mr. Clinch seem to have inclined to that method of defence. Cf. Butler's *Memoirs*, Dr. Healy's *Centenary History*.

Such were the provisions of the Veto. Were they lawful? Were they expedient?

That, apart from privileges derived from a concordat mutually agreed to, the State has no right to control the internal government of the Church, will, we think, be granted by anyone, not imbued with Erastian principles, who reflect for a moment on the origin, claims, and objects of the two societies in question. We need not labour the point, however, for, at the time of the Veto, the question was not so much whether the State was justified in demanding a voice in the appointment of prelates, as whether the Church might lawfully concede it. The few extremists, who maintained that the State might have exacted as a right what she chose to have conceded as a favour, might have found their answer in the history of the Church herself. A Constantine might endeavour to trample on her rights, but only to be met by the unyielding courage of an Athanasius: or a Henry might presume to appoint her prelates and exact from them pledges of homage and submission but the snows of Canossa would cool his pride and convince him that the Church of God was beyond his grasp. In later times, indeed, when the spirit of infidelity has gone abroad and men refused to submit to the claims of Christ's Vicar, princes have arrogated to themselves, in Church matters, privileges at variance with reason and justice; and the Church, in the interests of peace, agreed to tolerate the usurpation. That has been so, and is so still. But, even in such circumstances, she clings to her ideals, and looks forward to the dawn of a better day when she will, in God's own time, be restored to the position He has destined for her, and will fulfil her mission freed from the trammels with which the pride of temporal power now unfortunately binds her.

But, it may be said, the government has a right that none but loyal subjects be appointed to positions of influence. Without pausing to consider how far the obligations of loyalty were binding on the Irish Catholics of the time, we grant all that is true. The only conclusion however, which, it seems to us, follows is, that the govern-

ment is justified in imposing, if it so pleases, on the men in question such tests as will, if complied with, furnish a sufficient guarantee of their submission to the powers that be. That the State is justified in practically appointing, by virtue of an effective negative, the rulers of a society superior to itself is a contention thoroughly unwarranted.

Now England had already imposed such tests. She had established oaths which sufficiently provided for the loyalty of every Catholic in the Three Kingdoms who held a public position in Church or State. Nor can it be said that the conduct of the prelates in the past had rendered a further test desirable. They had shown, in times of danger, how true they were to their pledges of loyalty and allegiance. When their people rose to revenge the wrongs of centuries, they had so strenuously exerted themselves in the cause of peace as to earn, in many cases, the name of 'Orange Bishops' and the imputation of being mere agents of the Saxon power. It was with feelings of conscious innocence and of pride in the record of their past that, eleven years later, when the Veto controversy was at its height, they declared that the existing pledges of loyalty were sufficient and that no other country demanded so much; and hinted that any further attempt of the Government to interfere in the affairs of the Church entrusted to their care could be dictated by no other motive than the wish to cast a stain on their honour and their oath.<sup>1</sup>

The question, however, that the Bishops had to face was, as we have said, whether, though the State had no right to exact, the Church might lawfully and prudently concede, a privilege of the kind proposed. Now, while the concession of a merely indirect or negative power such as the Veto implied would not, in the abstract, be unlawful or incompatible with Catholic faith and discipline, we believe that its concession at the time in Ireland would have done untold harm to religion in the country, and inflicted a blow on the Irish Church from

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<sup>1</sup> Declaration to the Clergy and Laity of Ireland,<sup>1</sup> 1810.  
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the effects of which she would probably never fully recover.

Many of the European powers, Catholic and Protestant, had—the Irish were often told—obtained from the Pope privileges similar to those the English Government now sought. The fact might, we grant, be worth considering, were the condition of Ireland similar to that of the nations in question. But was it? Patriotism and loyalty were synonymous in other lands: in Ireland, to the popular mind at least, there was a distinction too marked to be disregarded. Continental Catholics had every reason to be loyal to their kings and emperors, and were bound to them by ties of friendship and gratitude: though differing in religious convictions, they were of the same race and stock as their Protestant fellow-countrymen: their civil rights had not generally been trampled upon by the civil government: they had not for two centuries gone through the fires of persecution for their opposition to the dogmas of a Henry or a Luther: their temporal rulers were anxious for their well-being, nay in many cases were dutiful children of the Catholic Church and zealous for the preservation of her life and purity. Evils, no doubt, would result, and have resulted, even in those countries, from a subjection of the clergy to the State such as the Veto implied; but they are not too great to be tolerated in view of the concessions made to the Church, or of the misery which a sudden attempt to restore her to her due position would inevitably entail.

Things were different in Ireland. What had the down-trodden Catholics to expect here, if their clergy, 'the sole remaining monument of their ancient glory,'<sup>1</sup> became subject to their enemies and persecutors? Had they not some reason to suspect that a Government whose every nerve had been strained in the attempt to extirpate their race and religion, would try to grind them deeper in the dust through an abuse of the power it now solicited? Might they not be pardoned for entertaining suspicions about

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<sup>1</sup> Dundalk Resolution, 1808.

the real intentions of the Government, or for forming convictions to which Dr. Milner of England, who knew both sides of the question, gave expression afterwards, when he wrote :—

The Bill is a most infamous Bill, the like of which was never devised by Cecil or Shaftesbury or Robespierre . . . contrived with a heart of malice which none but the spirits of wickedness in high places themselves could have suggested, to wither and undermine the fair trees of the English and Irish Catholic Churches. . . . A fed and corrupt clergy were first to be established ; through them the priesthood was to be overawed and bribed (a thousand pounds being provided in each county for the purpose) and by means of the clergy the Catholic religion was to be reduced to a state of schism or heresy, or worse.<sup>1</sup>

*Timeo Danaos et dona ferentes* was a quotation often repeated. Once granted the English Crown, they argued, power over the prelates, and the days of the Irish Church are numbered. The Government had violated Irish treaties before ; its fair promises now would meet with a similar fate. Spies and servile tools of the British power would be elected to the highest offices in the Church, and ruin the religion they were supposed to protect ; and the bark of St. Patrick, after having braved the storm for over a thousand years, would perish in the hour of peace, without an effort being made to save it from destruction.<sup>2</sup>

The State support was regarded at first as a blessing. It would soon be transformed to a curse. Its natural result would be to make the clergy appear, in the eyes of the people, mere Government officials, paid to fulfil their spiritual duties, just as the civil functionary to administer justice in the law courts. In the Russian Church, Aksakov assures us, ' those who minister at the altar, incorporated as servants of the State, consider themselves simply as instruments of the secular power ; ' and he adds : ' The Russian code was only meant to introduce the necessary

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<sup>1</sup> *Orthodox Journal*, March, 1819.

<sup>2</sup> M'Geoghegan assures us that it was to ' the utter exclusion of Royal and Protestant connexion, influence, and power in the constitution and perpetuation of the Catholic Hierarchy that the laity ascribed ' their almost miraculous preservation.'

order in the government of the Church, but in doing so it has destroyed its soul.' The State salary would deprive the clergy of a certain incentive to zeal and industry, for, unfortunately, while human nature remains as it is, men will be sometimes remiss, even in their most sacred duties, when they know that their income is independent of their personal exertions in their particular sphere of life. It would raise them, it is true, from a condition of dependence but, at the same time, would separate their interests from those of the people, and, by severing the golden links of affection that should bind the pastor to his flock, be the death-blow to the influence of the Irish priest.

At the time with which we are at present concerned, the memories of long oppression, and especially those associated with the late rebellion, lingered in the minds of the people and embittered their hearts. To them the English Government, with all its friends and hired servants, seemed the enemy of Ireland's ideals in religious as well as political life. We can easily conceive the consternation that must have filled their hearts, did their priests, who had stood by their side in joy and sorrow, now desert them and enrol themselves among the hired agents of their enemy. The priest's voice would no longer be a charm to lull their stormy passions or stimulate their flagging zeal. The people would see the glitter of English gold in their every action, and feel the poison of English influence in their every utterance; and their voices, when raised in the interests of peace and justice, especially if the Government were concerned, would be treated as the self-interested pleadings of corrupted hirelings.<sup>1</sup>

In France the clergy are partially subjected to the temporal power, and are granted a yearly revenue out of the coffers of the State. We see the sad but natural result. Her priests are no longer shown the same reverence and respect as they were when their Church was free, and their influence in temporal matters, and to some extent in

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<sup>1</sup> Dr. Moylan tells us, in the Report of the Secret Committee, that it had been already insinuated that the Bishops were the pensioned supporters of the Government.

the spiritual sphere as well, is little more than a shadow of its former self. If, in a country where Catholics have never been persecuted for their faith, and where every influence seemed to work for harmony, the results have been so undesirable, what could we expect were a similar measure introduced into Ireland, where racial animosity had poisoned the cup of domestic peace, where the national religion had not only at the time in question been for two centuries the object of bitter persecution, but even still at a time when we might expect some enlightened tolerance continues to be stigmatized as an idolatrous superstition by every monarch that ascends the throne?

The concession of the Veto, then, we believe, would have been highly imprudent and injudicious. We believe, moreover, that had the issue ever become a practical one, the Bishops would have found themselves face to face with a policy reprobated more than once by the Catholic Church.

For, is it not clearer than the noonday that whatever the negative power claimed by the Crown might be in theory, it was in practice tantamount to one of direct and positive appointment? If it were granted, the Government could, by steadily vetoing the appointment of every candidate it was pleased to consider undesirable, finally point out and virtually nominate the very man whose claims met its approbation. When a prominent personage of those days was asked by Dr. Milner what course of procedure the Government would adopt if the Veto were passed, he answered that the appointment would be made by a *congé d'élire*, as in the case of the Protestant bishops: the Government would not directly appoint, but would say: 'You may not elect A or B or C; you may have D if you wish.'<sup>1</sup> We challenge the schoolmen for a more palpable example of a distinction without a difference. The dangers might, indeed, be lessened, if suitable restrictions were imposed as to the number of times the Government might object in a particular case. But it

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<sup>1</sup> Milner, *Supplementary Memoirs*.

is quite clear that no law embodying the restriction would ever be passed. It would defeat, to a great extent, the very object the Government professed to have in demanding the Veto at all, the exclusion, namely, of all except 'loyal' candidates, that is—to use the correct expression—servile tools of the civil power.

Suppose, for instance, the Government were allowed to object once or twice or three times. Is it not quite possible that, in every case in which the Ministers would feel inclined to interfere, the number of 'disloyal' candidates might be two or three or four, or even that every single man whose name appeared on the list might be a patriot and a foe to British rule? Was the Government likely to pay a high price for a rather useless privilege of the kind? When, moreover, we come to reflect on the history of the time, we find that no responsible member of the Government ever sanctioned such a proposal. The Pope might devise such schemes, or Dr. Milner might build his airy castles, but, when the crisis came, the law would be formulated, not by the friends of the Catholic cause, but by the Legislature, 'which,' as Lord Erskine said in 1810, 'never treats with subjects.' The proposers of such measures soon became convinced of their futility. 'Such,' says Dr. Milner, 'were my fond speculations, but in the end I found them to be impracticable and vain.' 'Royal negative,' says Plowden, 'is actual influence.' 'National election,' the Bishops declared, in 1810,<sup>1</sup> 'would lapse into the sole and positive appointment by the Crown.' When we remember in what emphatic terms appointments by the lay lords had been condemned by the Seventh Ecumenical Council, and how Benedict XIV, in his letter to the Bishop of Breslau, on the 15th May, 1748, stated that no power of direct appointment had ever, even in the most trying circumstances been granted to a Protestant sovereign, we can easily see how impossible it would be to accede to the terms of the Veto if due regard were to be paid to the uniform Catholic practice of the past.

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<sup>1</sup> In their 'Declaration to the Clergy and Laity of Ireland,' 1810.

But to return. The Act of Union was carried, and the way seemed open to a discussion of the Catholic claims. Circumstances, however, necessitated the resignation of the Ministers of 1800. Their place was supplied by men who were opposed to Emancipation, and who knew, moreover, nothing of the negotiations of 1799. For several years the transactions regarding the Veto remained unknown and unmentioned in public life. Not even in the debate of 1805, when the position of Emancipation was brought forward and supported by Grattan, was there a single word uttered on the subject, though Sir John Cox Hippisley, in advocating the Catholic claims, proposed 'a royal *exsequatur* on Papal rescripts as a means of minimising foreign influence in the temporal affairs of the realm.'<sup>1</sup>

Before three years more had passed, however, the secret had leaked out, and, as we learn, from Dr. Milner, was frequently a subject of discussion, especially in England. Dr. Milner himself, who, to judge from the fact that he secured instructions on the subject from Rome in 1805, must have taken no small interest in the matter, visited Maynooth in 1807, 'on private business,' presumably in connexion with this very question, and was appointed by the Irish Bishops their official representative in England. With the advent of the year 1808, measures were adopted to have the Catholic claims once more advanced, the petition on this occasion being supported by a formal offer of the Veto to the Crown. Dr. Milner was consulted by the intending proposers, and, relying on the fact that the decision of 1799 had never been explicitly retracted, gave it as his private opinion that the Irish Bishops were quite willing to allow the Crown the required negative. Parliament assembled and the Veto was put forward as the free concession of the Catholic subjects. The statements of its advocates were rather alarming, and plainly indicated the general feeling as to the results that would follow if it were once granted. Ponsonby, the principal speaker, made the startling announcement, before the members of the Lower

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<sup>1</sup> He had written, but had not published, a paper on the Veto, in 1806.—*Flowerden's History*.

House, that the Irish Bishops had, in the interests of conciliation, modified their former principles, and no longer entertained any serious objection to granting the King an unlimited negative and having him appointed 'virtually the head of their Church.'<sup>1</sup> The public antipathy, however, to anything savouring of Catholic Emancipation was too deeply rooted to be moved by even such an astounding offer. Grattan's petition in the Commons was rejected by a majority of 153, and Grenville's, in the Lords, two days later, was opposed by Sidmouth, and met with a similar fate.

Strange to say, the speeches of the Veto advocates met with little hostile criticism for a time. The speakers were even thanked for their strenuous defence of the Catholic cause. But, when the public got time to reflect, the feeling soon changed. To anyone who knows with what fidelity the Irish cling to the fundamental doctrine of Church government, and how they resent any suspicion of the divine commission of the Pope to rule the Church, the consternation aroused in Ireland by the late proceedings needs no explanation. That the friends of Catholic interests should dream of such a concession was an omen of what might in the near future be attempted by their declared enemies. They might well perceive a grim parallel between their own times and the days when Henry burst the bonds of unity and proclaimed himself head of the English Church. They were determined to repudiate all connexion and sympathy with statements so manifestly schismatical. In the month of July fierce denunciations began to appear in the Press over such signatures as 'Sarsfield,' 'Laicus,' and 'Inimicus Veto.'

The attack in England was led by Mr. Perceval. Dr. Milner, finding his name closely associated with the measure, made his last defence of it on August 1,<sup>2</sup> though he was sorely mortified by the manner the Ministers had overstepped their commission in debate. The public clamour, however, could not be stilled. Pamphlets appeared

<sup>1</sup> Butler's and Milner's *Memoirs*.

<sup>2</sup> In his *Letter to a Parish Priest*, not intended, he says, for publication.

in hundreds. Had the Bishops been remiss in their opposition to the scheme, the spirited protests of the laity, who declared, 'Better no Emancipation than Emancipation with a Veto!' would have been a stern call to duty. But they needed no such incentive. With a noble resolve to sacrifice their material interests to the liberty and well-being of their flocks, they assembled on the 14th September, and, while accepting Dr. Milner's explanation of his attitude for the past few months, declared: 'It is the decided opinion of the Roman Catholics of Ireland that it is inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of Irish Roman Catholic Bishops, which mode long experience has proved to be unexceptionable, wise, and salutary.'<sup>1</sup>

But while the Veto was condemned by the Irish generally, and while the voice of a few among them, who—because it would raise them to eminence in the political and social life—were anxious to have it carried, was drowned in the general cry of indignation, the English Catholics thought that opposition was going too far, and that the Veto and State provision might be acquiesced in without in any way violating Catholic principles. They had promised, in their letter to the Irish Bishops on 26th July, 1808, to take no step in matters involving their common interests without the advice and approval of the Irish. But when more than a year passed and nothing was being done, they determined to neglect the promise and direct their course as they deemed best. Having consulted, on the 29th January, 1810, with the members who, two years previously, had been specially active in forwarding the Veto, they volunteered a statement in which, though they did not specifically pledge themselves to support the measure, they gave it to be clearly understood that any similar arrangement deemed necessary by the Government would meet with their cordial approbation.

Adequate provision [they declared in their famous 'fifth' resolution, signed by 220 clergy and gentlemen] for the main-

<sup>1</sup> Dr. O'Reilly afterwards gave a fuller explanation of their motives. Three dissented. At least seven of the signatories of 1799 were present.

tenance of the civil and religious establishment might be made consistent with the strictest adherence on our part to the tenets and discipline of the Roman Catholic religion ; and any arrangement founded on the basis of mutual satisfaction and security and extending to us the full enjoyment of the civil constitution of our country will meet with our grateful concurrence.

Dr. Milner, who had now become one of the sternest opponents of the Veto in every shape and form, was present, and though to avoid importunity he advised Lord Clifford and Mr. Weld to sign if they pleased, refused emphatically himself to support the resolution. His refusal raised against him a perfect storm of abuse and indignation. As soon as the Irish were apprised of what had taken place, there was a loud complaint that 'the English Catholics had betrayed them.' The Bishops adopted, on the 26th February, a counter-resolution known as the 'sixteenth,' and thanked their representative for his 'apostolic firmness in opposing a vague . . . resolution pledging the Roman Catholics to an eventual acquiescence in arrangements possibly prejudicial to the integrity and safety of their Church discipline.'<sup>1</sup>

The English paid little attention to the protest. Some of them contended that the 'sixteenth' resolution was a forgery, and were hardly satisfied even when Dr. Troy assured them it was genuine. The breach between the Catholics of the two countries became so marked that Sir John Hippisley was able to state, in 1811, that there was no unity whatever between the Irish and English prelates. Dr. Milner made an attempt, but unsuccessfully, to bring about a reconciliation in 1812, when Drs. Moylan and M'Carthy visited London for the purpose. A Bill, based apparently on the 'fifth' resolution, and explicitly mentioning the Veto, was drawn up, and when circumstances seemed favourable in 1813, laid before the Lower House. The Ministers, no doubt exasperated somewhat by the opposition shown in Ireland to every attempt at encroachment on the liberties of the Church, seized the slightest pretext for rejecting the petition. Its defeat was

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<sup>1</sup> Milner's *Memoirs*.

hailed with delight by all earnest Catholics. They were confident that the days of the Veto were over, and breathed freely when they thought the danger past. But, as events showed, the calm was only momentary. The end was not yet.

Events of importance had been taking place on the Continent. Napoleon had risen to the summit of power, and had made the Pope a prisoner. With the general history of the Pope's captivity and its consequences we have no concern: one particular phase of it, however, affects the present question in no slight degree. During the period of his forced absence from Rome, extraordinary powers were delegated to Mgr. Quarantotti, the Vice-President of the Propaganda, who was a pious, well-meaning old man, but scarcely competent to deal with complicated political intrigues. English influence was strong in Rome, for the horror inspired by the common enemy had united in mutual sympathy the subjects of George III and the immediate adherents of the Pope. The advocates of the Veto saw their opportunity. A campaign was started, in which Dr. Poynter, of England, Dr. M'Pherson, the Rector of the English College, and a Scotch lawyer resident in Rome, took the leading part. They represented the Veto in a favourable light,<sup>1</sup> and, notwithstanding a decision of the Irish Bishops, in 1810, to accept no rescript from Rome till the Holy Father should be set at liberty, asked him to make a pronouncement on the subject. A rescript with his signature was sent to Dr. Poynter, on the 16th February, 1814. The Bill of the preceding year was spoken of in favourable terms: the oath it embodied, requiring Catholics to act in no way that would compromise the Catholic religion, was explained as having reference merely to illegal and physical means: the claim of the English monarch to be satisfied of the loyalty of Catholic prelates was acknowledged; the right of appointing bishops was given to a lay aristocracy under Protestant control;<sup>2</sup> and it was decided that any subject receiving

<sup>1</sup> They assured Mgr. Quarantotti, for example, that prayers were offered for the Pope in English Protestant churches.—*Milner's Memoirs*.

<sup>2</sup> 'A Domestic Court of Inquisition,' its opponents called it.

letters from Roman authorities should, under pain of transportation, submit them to the Government. The declaration was, needless to say, welcomed with acclamation by the Vetoists of England. In Ireland its reception was none of the best : priests and people alike received it with one universal roar of execration. It was felt that the crisis had arrived, and that efficient means must be adopted, once for all, to prevent having forced on the country a measure so repugnant to the feelings of every Catholic worthy of the name. The Bishops wrote in terms of indignation to Dr. Poynter. A meeting of the Dublin clergy was held on the 12th May, and the rescript reprobated as the precursor of untold evils. The prelates, at a meeting in Maynooth on the 27th, condemned it, and appointed Dr. Murphy, of Cork, and Dr. Milner, of England, to proceed at once to Rome, and inform the authorities of the dangers that menaced the very existence of the Irish Church. The delegates set out on their mission, while, with the most intense feelings of anxiety and suspense, their friends at home in Ireland awaited the result.

The delegates arrived. Dr. Milner was favourably received by the Cardinals on the 28th July, and his exertions in the Catholic cause warmly approved of. The Pope regained his freedom, and, in answer to an address from the English Catholics, on the 17th June, replied, in December, that the whole matter should be again discussed.

But the discussion was soon interrupted. Napoleon escaped from Elba in March, and the Neapolitan general, Murat, overran Italy with an army of 90,000 men. The Pope, with his retinue, fled from Rome to Tuscany, and thence to Genoa, where he was protected by an English garrison, and his retreat by sea secured by an English fleet. English influence was now in the ascendant. Fortune had so disposed the affairs of the nations that, in the eyes of the Pope and of Romans generally, England appeared to be, after all, the real friend of the oppressed, and the protector of God's Church in the hour of trial. She had borne an important part in the struggle against men who had, in the sacred name of liberty, perpetrated

the most shocking of crimes, and trampled on the sacred rights of religion ; even now she was mustering her forces to deal the final blow to the would-be enslaver of the Papacy. By a strange irony of fate, the Government whose very name was to an Irish Catholic synonymous with bigoted persecuting Protestantism, appeared, and with good reason, too, to the world in general and to the Pope in particular, a very model of religious tolerance and of friendship for the Catholic Church. The soldiers, whose swords had for two centuries been dripping with the blood of Irish martyrs, now stood up to champion the cause of the Catholic world ; the statesmen, whose perverted ingenuity had fashioned the penal code, were now devising means to hurl from his throne the arch-enemy of Papal power. To the Pope the English were well known in one capacity ; in the other their record was either unknown or likely to be forgotten.

It was at this critical moment that the discussion of the English proposals was resumed. The opposition offered by the Irish was represented as arising not so much from their devotion to the Catholic faith, as from their love of political commotion and their morbid desire for some pretext for a quarrel with a Government that meant them well. The fate of the Irish proposal was sealed. The ablest and most successful politician in the Sacred College, Cardinal Consalvi, who entertained a well-known prejudice for the British Government, and had, it was generally supposed, learned his first lessons in Vetoism during an official visit to London,<sup>1</sup> threw in his influence in favour of a modified Veto. The English Lord Bentwick (he tells us himself) used all his endeavours in the same direction. Some of the Cardinals saw the true import of the measure ; Cardinal Litta himself asked the Pope not to sanction it. But all in vain. Letters were dispatched, on the 26th April, 1815, to England and Ireland over Cardinal Litta's signature. The claim for the Government to scrutinize the Papal documents was rejected : with a few restrictions every other claim was granted. No objection was raised to the

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<sup>1</sup> Brennan's *History*.

Veto, provided the King left on the list of candidates, a sufficient number of names to allow the Pope freedom in his ultimate appointments.

Now, were the English Government one whose ministers might be relied on to act for the interests of the Irish Catholics, the Pope's letter might have satisfied the wishes of everyone concerned. But, unfortunately, England's record was none of the best, and the popular feeling was strongly opposed to any arrangement of the kind. One course of action lay open to the Bishops, and they took it. Knowing that the document was merely permissive, and in no sense a command, they held a meeting, on the 23rd August, and declared :—

1. It is our decided and conscientious conviction that any power granted to the Crown of Great Britain of interfering, directly or indirectly, in the appointment of Bishops of the Roman Catholic Church in Ireland, must essentially injure and may eventually subvert the Roman Catholic religion in this country.

2. That, with this conviction, we should consider ourselves as betraying that portion of the Church which the Holy Ghost has committed to our charge, did we not declare most unequivocally that we will, at all times and under all circumstances, deprecate and oppose, in every canonical and constitutional way, any such interference.

3. Though we venerate the Pope, we think our apprehension as to the safety of the Roman Catholic Church in Ireland cannot be removed by any such determination of His Holiness, adopted not only without our concurrence, but against our repeated resolutions and memorial presented by Dr. Murray, who was better able to instruct His Holiness on the real state and interests of the Irish Roman Catholic Church than any of the others with whom he is said to have consulted.

The resolutions expressed the general feeling of the time. Dr. Milner said they 'should be inscribed in letters of gold on a monument to the world that Ireland was still Catholic.' Roused by the fiery eloquence of O'Connell, the laity held a meeting on the 29th, condemned the Veto, and appointed delegates of their own to represent them in Rome.

The Bishops' resolutions were submitted to the Pope

by Dr. Murray. Thinking he had acted for the best, the Holy Father was naturally somewhat surprised, and perhaps a little irritated, at the unexpected result. To set their fears at rest, however, he condescended to argue the point, and sent them, on February 1, 1816, an able document setting forth the motives that had dictated his decision. The principles he acted on had, he said, been laid down by such illustrious predecessors of his own as St. Leo, Gelasius, and Innocent III ; the English Government was Protestant, and therefore he had granted no right of direct nomination or presentation ; it was only natural that the King should now exact additional proofs of loyalty, seeing that, if Emancipation were granted, the Bishops would have a seat in Parliament ; a king's hostility would do serious harm to a bishop in the discharge of his functions, while his testimony to a candidate's good character was always a desirable thing in the eyes of the Church. Why did the Irish suspect the intentions of the Government ? Had it not, in recent times, revoked several of the penal laws, and been mainly instrumental in restoring the Pope to his see ?

It were indeed to be wished [he said], and it is what we, of all others, most earnestly desire, that in the election of Bishops we enjoyed that full and complete freedom which so peculiarly marks our supremacy, and that no lay power whatever had any share in a matter of so much importance, but you all see how far things are removed from this happy state in Europe. . . . Be your right to Emancipation what it may [a bill embodying it] will never certainly pass without our previously granting the privilege in question.

Let them, therefore, consent to the measure. Emancipation would follow on the concession, and the long night of Ireland's sufferings would come to an end at last.

However logical the argument, it bore no conviction to the Irish mind.<sup>1</sup> By what rule would the King be guided in his selection of bishops ? Would he choose the

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<sup>1</sup> Within a few days of the arrival of the letter, Dr. Murray condemned it in vigorous language : ' It would imply the degradation and enslavement of the sacred ministry . . . let no Catholic be a second Judas. —(Sermon on 5th February.)

ablest and holiest men and staunchest patriots, or would his choice fall on those who were most servile to himself? The Pope had no suspicions of bad faith, and was convinced no ill results would follow, but Edmund Burke knew the circumstances pretty well, and these are his words :—

Never were the members of one religious sect fit to appoint pastors to another. . . . The Seraglio of Constantinople is as equitable as we are, whether Catholic or Protestant, and, where their own sect is concerned, quite as religious; but the sport which they make of the miserable liberties of the Greek Church, the factions of the harem to which they make them subservient, the continual sale to which they expose and re-expose the same dignities and by which they squeeze all the inferior orders of the clergy, is rarely equal to all the other oppressions exercised by the Mussulman on the unhappy Oriental Church. It is a great deal to expect that the present Castle would nominate bishops for the Roman Church of Ireland with a religious regard for their welfare. Perhaps they cannot, perhaps they dare not do it.

In a letter to Dr. Hussey he gives a similar warning :—

I am sure that the continual meddling of your bishops and clergy with the Castle, and the Castle with them, will infallibly set them ill with their own body. . . . At least you will have a marked schism, and more than one kind, and I am greatly mistaken if this is not intended and diligently and systematically pursued.

Bishops, no doubt, 'should have a good testimony from those without.' Yes; when the testimony is worth having. But did it become the Catholic clergy to be over-anxious as to whether they stood high in the opinion of men who, since the days of Henry, had been plotting schemes for the ruin of their faith? That prelates should not be under the frown of their respective governments is, of course, in the abstract, a very desirable thing: but some of the greatest men that ever fought the battles of the Church had no more deadly enemies than the temporal princes who, 'dressed in a little brief authority,' had 'played such tricks before high heaven as made the angels weep.' If George III refused to believe the oath of a Christian and

a bishop, that certainly was no reason why the prelates should prejudice the interests of the faith, or endanger the liberty of the Church. They 'obeyed God rather than man,' and though in history there lives no record of the fact, we may be pardoned the pious belief that the impending stigma or imperial censure never deprived them of a moment's peace.

For sixteen years now had the tempting offer of Emancipation and royal favour been held out as an inducement to the Catholics of Ireland to bring the Church within the sphere of Government influence. Their determined opposition began at last to convince the Vetoists that their cause was lost. Finding themselves cut off from orthodox Catholics, they forsook the flimsy pretext of 'indirect influence,' and clamoured loudly for unlimited Government control. But whether they donned the mask of friendship or appeared in their true colours, to the Irish Catholics it mattered not. *Their* views on the subject were now fixed: the last sweeping condemnation by the Bishops had held the Veto up to the execration of the nation. The Pope, indeed, in answer to a protest from the Irish Catholic Board assured them again, on the 21st February, 1818, that their fears were groundless, but they felt they knew the circumstances too well to entertain the hope.

The Veto lingered on for many a year, and was even embodied in Plunkett's rejected Bill of 1821. But its days were numbered. As the years went by, England found it a growing necessity to conciliate her Catholic subjects by concessions more conformable to the fundamental principles of their faith. In 1825, the time had arrived for decisive action. Irish churchmen—among them Dr. Doyle—were summoned to England to give an account of Catholic doctrine, and, in answer to charges made on the occasion of the Bill of 1821, satisfy their Protestant neighbours that their principles were not a source of danger to the temporal welfare of the realm. He swept away the barriers of ignorant prejudice that had so long shut out the Catholics from their civil and religious rights, and ere four years

more had passed it was proclaimed to the world that Catholic Ireland was free. The bells that rang in the newer era proclaimed, too, in tones that Irish Catholics well understood that the Veto of unhallowed memory had at length been laid to rest.

May its spirit never rise to haunt the Irish Church or arouse again the bitter feelings its friends and foes exhibited during the first quarter of the century just passed.

M. J. O'DONNELL.

## THE MEMOIRS OF PRINCE HOHENLOHE

**T**HE two volumes recently published, containing the memoirs of one of the most influential of European statesmen, are of absorbing interest to all students of politics and public affairs, but they are of special interest to Catholics and to those who follow the movements in which the Church is directly or indirectly involved at the present day.

Prince Chlodwig von Hohenlohe-Schillingsfürst belonged to an old princely family of middle Germany. One branch of the family—the Hohenlohe-Oeringens—joined the Lutheran schism; another—the Hohenlohe-Langenburgs—is partly Lutheran and partly Catholic; the branch to which Prince Chlodwig belonged has always been Catholic, at least in name.

Born in 1819, he served in his early manhood as Imperial Minister to Athens, Rome and Florence. In 1867, he became Prime Minister of Bavaria. From 1870 to 1874 he was a member of the German Reichstag; from 1874 to 1885 German Ambassador in Paris; from 1889 to 1894 Governor of Alsace-Lorraine; and from 1894 to 1901 Chancellor of the German Empire. The famous statesman does not offer any very striking characteristics until he became a member of the Bavarian Government in 1867. He soon reached the highest post in Bavaria, and it was as Prime Minister of that country that he set himself to alarm all the States of Europe about the proposal of Pope Pius IX to hold a general council. The circular forwarded to the various States was drafted by Döllinger who was the intimate friend and adviser of Hohenlohe in all ecclesiastical matters. The following is the full text of the circular now authentically published for the first time:—

### CIRCULAR LETTER TO THE BAVARIAN LEGATIONS, APRIL 9, 1869

It may now be assumed with certainty that the General Council summoned by His Holiness Pope Pius IX will, if no

unforeseen circumstances intervene, actually meet in December. Undoubtedly it will be attended by a very large number of bishops from all parts of the world, and will be more numerous than any previous Council. It will, therefore, make a corresponding claim upon the public opinion of the Catholic world, that both itself and its decisions shall be credited with the high significance and authority which belong to an Œcumenical Council.

That the Council will deal with simple questions of creed, with matters of pure theology, is not to be supposed, for no such questions calling for settlement by a Council are at present extant. The only matter of dogma which, as I learn from a trustworthy source, might come up for decision at Rome by the Council, and for which the Jesuits in Italy, as well as in Germany and elsewhere are agitating, is the question of the infallibility of the Pope.

Now, this question, highly important and pregnant with results as it is, is pre-eminently of a nature to draw the attention of all Governments having Catholic subjects to the Council, but their interest, or rather perhaps their anxiety must needs be still further heightened when they see the preliminaries already in preparation, and the composition of the committees formed in Rome to carry out these. Among these committees is one in particular, whose sole business it is to concern itself with politico-ecclesiastical matters. It is, therefore, beyond a doubt the deliberate intention of the Roman Curia that the Council shall lay down at any rate some decisions on these matters, or on questions of a mixed nature. To this may be added that the journal edited by the Roman Jesuits, the *Civiltà Cattolica*, to which Pope Pius, by a personal brief, has given the weight of a semi-official organ of the Roman Curia, has quite lately indicated as a duty assigned to the Council to transform the damnatory judgment of the Papal Syllabus of December 8, 1864, into positive decisions or decrees of the Council. Now, as these articles of the Syllabus are directed against several important axioms of State organization as this has come to be understood among all civilized peoples, Governments are confronted with the serious question whether and in what form they would have to advise either the bishops subject to their authority, or, at a later stage, the Council itself, of the perilous consequences to which such a deliberate and fundamental disturbance of the relations of Church and State must necessarily lead.

The further question arises whether it does not appear advisable that the Governments acting in common, perhaps

through their representatives at Rome, should present a warning or protest against such decisions as might be taken by the Council on their sole responsibility without consultation with representatives of the secular power or any previous communication regarding politico-ecclesiastical questions or matters of a mixed nature. It seems to me absolutely necessary for the Governments interested to endeavour to arrive at some mutual understanding on this very serious matter.

I have waited till now to see if any move would be made on one side or the other, but as nothing of the sort has happened, and time presses, I find myself compelled to charge your Excellency to make this the subject of a conversation with the Government to which you are accredited in order to elicit information as to its ideas and views on this important question.

The replies of the various Powers to this circular were communicated to Döllinger who was asked to draw up a report on their general tenour for the information of the Government. Döllinger supplements his report by a summary of what he regards as the consequences sure to result from the definition of Papal Infallibility :—

(a) The Syllabus of 1864 will become *eo ipso* an act of faith invested with infallible authority.

(b) The Pope is to determine by his own sovereign authority the boundary line between Church and State. In subjects of various kinds the judgment of the Pope, which has become infallible, is also decisive, and no successor can ever deviate from it.

(c) Paul IV's Bull which orders every heterodox prince to be deposed becomes dogma.

(d) The same is true of the Bull *Unam Sanctam*.

(e) As the Pope has declared the immunity of the clergy, which is now accepted everywhere as divinely ordered (*juris divini*) this becomes dogma.

(f) In consequence of this every bishop and even every clergyman will be entirely free from secular jurisdiction ; or this may be allowed, as in the Austrian Concordat for a certain time as a temporary need of the Pope, and the clergy and Church property can only be taxed by permission of the Pope.

(g) It would be the duty of Catholics to give the preference to a Catholic monarch instead of to one who, though a direct heir, is of another religious belief. These consequences might even in our days soon become very practical.

Even this does not exhaust the possible and certain consequences.

The insidious suggestions of Hohenlohe, instigated by Döllinger, were not on the whole received with enthusiasm by the Governments to which they were addressed. Count Beust, the Austro-Hungarian Minister of Foreign Affairs, hit the nail on the head when he retorted that as modern States had accepted the principles of freedom of belief and equality of creeds there seemed no reason why an exception should be made in the case of the Church to which the vast majority of the Austro-Hungarian people belonged. Those, however, who wish to acquaint themselves with the full measure of the insistence of Hohenlohe and Döllinger must refer to the Memoirs.

Whilst Prince Hohenlohe was egged on at home by Döllinger, he was encouraged and approved by his brother, Cardinal Gustav Hohenlohe, whom Pius IX had taken into the Sacred College. The Cardinal had the Jesuit on the brain as badly as any Protestant. The Jesuits were to him the cause of all the misfortunes of the Church, owing to the unfortunate policy they had imposed on Pius IX. The Jesuits, on their part, had no great liking in this troubled age for a Cardinal of the *renaissance* type who held his court at the Villa d'Este at Tivoli, and rejoiced in the society of poets, musicians, and painters. Having been promoted to the suburban See of Albano one of his first acts was to make the Abbé Liszt a Canon of his Cathedral. A great festival was given for the occasion, when one of the guests addressed a *brindisi* to the Abbé:—

Evviva il nostro Liszt  
 Del Europa primo pianista,  
 Uomo molto cortese  
 Un nobile Ungherese  
 Chi oggi stessi dal capitolo  
 Ha ricevuto un novo titolo  
 Viva ! viva ! lungo e sano  
 Il novo Canonico d'Albano.

The Jesuits were not admirers of this kind of poetry, nor of the circumstances that gave birth to it. There were other causes of disagreement besides. Indeed the

Cardinal seems to have pursued the Society with relentless enmity during his whole life. The Jesuits are pretty well able to defend themselves ; but as it would not be fair to judge any body of men by what their avowed enemies have to say of them, neither would it be just to regard the Cardinal as a pure worldling. He was in many respects a very pious and religious man and very conscientious ; but he had a rooted prejudice against the Jesuits which nothing could eradicate. This prejudice is fully attested in the numerous notes and letters of the Cardinal published in these volumes. It was some compensation to the Order, however, that both the Pope and the Church were on their side.

A very interesting conception of the liberal-Catholic view of *the Christian State* is given in a speech delivered by Prince Hohenlohe in the Upper House of the Bavarian Parliament on the occasion of presentation of a Bill to remove some of the disabilities of the Jews. The discussion took place in the year 1861. Prince Hohenlohe said :—

According to the conception which was current all over Europe in the Middle Ages, the State was subordinate to the Church, a subordination which men sought to explain and justify by declaring the Church to be the founder of the State. Religion and politics, Church and State, were thus continually intermingled. The State was the servant of the Church. Not to be a member of the Catholic Church was to have no existence as a recognized member of the State, and who so stood in opposition to the teaching or constitution of the Church was regarded, *ex ipso*, as an enemy of the State. This was pre-eminently the case with the Jews who, less because they were aliens in Europe than because they were enemies of Christendom and of the Christian State, were regarded as creatures absolutely outside the law.

They might count themselves fortunate if, in the Roman Empire of the German Nation, they secured forbearance and protection in return for a heavy tax, first from the Emperor as 'Imperial Chattels,' and later from various petty sovereigns to whom the right to protect the Jews (*Judenschuttsrecht*) was delegated as a privilege. Even the Reformation did little to alter this conception of the Christian State. It, no doubt, dissolved the old relations between the Catholic Church and the State : but the State remained none the less 'Christian,' if by

that word we understand the maintenance of an exclusive creed even in matters of jurisdiction against the unrecognized sects of religion.

Not till the middle of the eighteenth century did a fresh conception of the relations between Church and State, and consequently of the whole nature of the latter, begin to gain ground. Church and State gradually came to be recognized as two different, separate, and independent organisms, each with its own peculiar mission to perform. Thus the ideas of religious liberty and of the State based on law went hand in hand. With the triumph of the former, the conception of the 'Christian State' which had hitherto been workable enough became untenable. The State could no longer remain doctrinally exclusive and intolerant. It must of necessity become Christian in another sense, that is to say just and tolerant towards every class of its subjects. It must in fact become the State based on law, or, as is much better, the State based on justice.

True, an opinion and an apprehension has been expressed that the modern State has ceased, or would soon cease, to be Christian; and reference has been made to the observation which is frequently heard that 'the State is of its nature atheistic and cannot be otherwise.' I fail to share either the opinion or the apprehension. A sounder theory has long since recognized and rectified this misleading idea, and it is understood that it is founded on an impossible presupposition. The modern State can only be Christian if it has ceased to be the doctrinal and feudal State of the Middle Ages. It can only claim to be Christian because all the relations of citizen and family life are permeated with the spirit of Christianity; because our social, political, and judicial institutions are built upon a Christian foundation, because our whole modern system of morals is Christian; and, finally, because the moral code to give full effect to which is the constant endeavour of the State founded on law is identical with the Christian code. There can be no question, therefore, as to whether the Christian State will or will not continue to exist. It does exist and will exist as long as Christianity is the creed of the great majority of its members.

The modern State however, has, long since repudiated the idea, so irreconcilable with a truly Christian point of view, that any person or persons can be outside the law, and has extended the conception of citizenship on which our present-day political life is chiefly founded so as to embrace all classes of its subjects. It must be admitted by everyone that the State has done this without any compromise of its Christian character. If there was no impediment in the Christian character of the

State of our days to the grant of the rights of citizenship to non-Christians, still less can the grant of these privileges to the Jews be met with any reasonable opposition. No modern State, without being false to the whole trend of its historical evolution, can refuse to give legal and political equality to Jew and Christian alike.<sup>1</sup>

A similar conception of the Christian State was given expression to by the Prince in a debate on an Education Bill in the same place in the year 1867, when he held the reins of power himself. The scheme of the Bill sought to establish the exclusive right of the State to the conduct and inspection of schools except with regard to religious instruction, and in the place of the pastor as sole local inspector or manager, proposed a local board of inspection and management in which the congregation, the Church, the family, and the educational authorities would be equally represented. The agitation against the Bill was so vigorous that on that occasion at least it was defeated. Here is how Prince Hohenlohe sought to secure its passage :—

There are times and questions when one cannot remain neutral. The present is such a time, and the subject of discussion is one about which every man who is called on to take an active part in public life is bound to give his opinion. About the necessity of reform in our scholastic system, it appears that opinions are not divided, though there are divergent views as to the best ways and means of carrying the reform into effect. As many as twenty years ago an eloquent member of this honorable House, who is still with us, indicated to us the drastic reform of our elementary school system as an indispensable necessity. On that occasion the honourable member said : ' I hope we shall finally get rid of the idea, which was rather common in former days, that the prosperity of the State depends on keeping the lower classes ignorant. Our enlightened Government will foster the conviction that danger may arise for the State, not through the education of the people, but through the opposite—through lack of education ; and that the strength of the nation, with its national prosperity, reposes principally on the intelligence of the people. Starting with this conviction the Government will not delay atoning for the sins of the past, and submitting our scholastic system to the most thorough

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<sup>1</sup> Vol. I., pp. 99, 100.

revision. By doing this it will remove a principal cause of the increasing poverty.'

When I say that I agree most heartily with these words, I believe that I shall meet with no opposition from either side of this House. This exhortation was not the only one which was addressed to the Government through the Chamber. I will only remind you of the joint decision of both Chambers in 1866, when the proposition of an Education Bill, on a Liberal basis, was called for. The Government acceded to these wishes, and brought in a measure in accordance with the demands then made. Since then the discussion has begun, first outside the Chamber of Deputies, and then in both Houses. It is one of the advantages of constitutional life that questions which excite public opinion are threshed out and made clear through the discussions of the constitutional representatives of the people, and that as a result of this, tranquillity of mind is re-established. In the present question this was the case, and if I am not entirely mistaken, the original antipathy to what people were pleased to call the 'Godless Education Bill,' has given way to a less prejudiced view. That much-aired grievance that the Church is threatened in her rights by such an Education Bill as the Government has projected is less heard now, at any rate outside the Chamber; for whoever criticises the Bill impartially will gradually arrive at the conviction that the difference between the present circumstances and the proposals of the Government is not so great as was originally believed. In any case, the decisions of the Committee, and the declarations of the Lord Archbishop von Scherr, go far beyond the scheme of the Bill and the existing conditions. These decisions are based partly on the fundamental determination to claim for the Church a preponderant, if not exclusive, influence in the popular schools, a determination which was very clearly expressed in the Brief of His Holiness Pius IX, addressed to the Archbishop of Freiburg (July 14, 1864). At this point too opposite currents meet, for if the Church claims the unrestricted control of popular education, the State, on the other hand, cannot renounce its right to direct the education and training of the people. If we would in fact, start from an ideal comprehension of State and Church, we should be forced to the conclusion that it could only be an advantage for the State if the greatest possible influence on popular education could be left to the Church, the dispenser of salvation and consolation, the great teacher of the human race. We are not, however, at an ideal standpoint; but on the ground of positive constitutional right, and by this

alone can we be guided. This constitutional right is the expression of the idea of the modern State, as it has been evolved from the political life of the nation, and to this the Bavarian people will hold fast. I am well aware that the term, modern State, will be rejected in certain circles, but I know no other name for the State which is called upon to protect and care for our whole life as civilized beings, and which has not compromised the Christian faith but advanced its interests, as the members of the higher clergy here present will confirm when I refer them to the tremendous manifestations of Catholic sentiment which have taken place in recent times. The difficulty of harmonious co-operation of both powers, Church and State, lies, I venture to think, in the fact that declarations have lately been made which show hostility towards the State on the side of the party at present in the ascendant in the Church.

I would remind you of the Encyclical *Mirari Vos* of Gregory XVI, which calls the legal establishment of liberty of conscience *sententia erronea et absurda : a deliramentum*, an erroneous and absurd idea, a piece of madness. I would remind you of the Encyclical of December 8, 1864, which reckons religious toleration among the damnable heresies. Finally, I would remind you of that article in the same Encyclical which refuses to allow that the Pope could ever be the friend or ally of progress, liberalism, or modern civilization.

When President von Harless spoke of *revevants*<sup>1</sup> and evoked these *revevants* from the domain of the rationalism of a hundred years ago, I leave it to your consideration whether the expressions which I have quoted to you do not also belong to the category of *revevants*, and *revevants*, too, of a long past age, and whether one *revevant* does not call up another.

I am, however, not at all inclined to submit these manifestations to criticism. I wish to bring them to your notice merely to show that the fact of a divergence between these expressions and modern Liberalism not only exists, but exists side by side with the Bavarian constitutional rights. I have to remind you that the principle of liberty of conscience is proclaimed and guaranteed as a fundamental right of the Bavarian people.

The Constitution is liberal: it is the product of modern Liberalism. It recognizes expressly that 'advance towards what is better,' according to well-tried experience shall not be excluded. These are the very words of the Constitution.

This contradiction, this fundamental divergence of con-

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<sup>1</sup> Ghosts.

ception disturbs the harmonious co-operation of State and Church, which I ventured to point out before as ideal. Under such circumstances when the divergences were so pronounced nothing was left for the Government when it proposed to introduce a School Bill but a compromise, or, as we are accustomed to call it, a *modus vivendi*.

This proposal has certainly the disadvantages of every compromise ; but as may be seen from what I have already said, a reconciliation of principles was not to be thought of. I am, therefore, of opinion that we must at present content ourselves with adopting the scheme of the Bill, in accordance with the proposals of the Government. The scheme contains many improvements which will benefit the congregation and the teachers, and I am convinced that it will not injure the Church.

My Lords, in all times there will be found men, yes, and they are the great majority, who in the battle and storm of life fear to suffer shipwreck, or have already suffered it ; men who take refuge in the sure haven of the Church in order to find there consolation, help, and redemption. Mankind needs this helpful, consoling, and conciliatory Church at all times, and the fifty-six school inspectors will not succeed in shattering her. Whether mankind also needs a militant and condemning Church the theologians must decide.

I have reproduced this important pronouncement merely *à titre de document*. I believe that it embodies and formulates in language that has nowhere been surpassed, the principles on which liberal Catholic statesmen endeavour to satisfy their consciences in yielding to claims that know no bounds, and to parties who are never satisfied.

There are very many entries in the journal of the Prince published in these volumes which give a vivid insight into the inner working of the Church in countries where Church and State are still bound together by the slender link of a concordat. This is particularly true of Alsace-Lorraine. Here is one of the entries :—

STRASSBURG,

May 29, 1886.

The Superior of the priests' seminary, Herr Dacheux, came to me to-day, to present me with some of the books which he has written. We talked first about the Seminarists, who have

been called in for military service, and whom he would like to see freed from this obligation. I advised him to send me a memorandum which I would send with my recommendation to the Commander of the Eleventh Army Corps, General von Schlottheim, at Cassel. I advised him also to make the Seminarists go through the examination for the one year's voluntary service, and he then complained that the boys' seminary at Zillisheim was badly organized, that the young people came in to the Seminary badly prepared, and that in his opinion each Seminarist before being admitted should have passed the *abiturienten* (school-leaving certificate) examination. He came next to the subject of the Coadjutor, of whom he complained that he had not yet made him a canonicus, although the Superior of the Seminary ought, by right, always to be a canonicus. He spoke altogether very freely, and complained of the low level of culture on which the Alsatian clergy stood. He protested that he had no ambition for himself, personally, and was not striving for anything, least of all a bishopric. He was altogether disgusted and so forth. On the whole he impressed me with the idea that he wanted to recommend himself to me as confidential friend and adviser in spiritual matters. I may be glad to make use of him thus, but must use discretion.

The following account is given by the Prince of the foundation by himself of a new Catholic church in his native parish of Schillingsfürst :—

STRASSBURG,  
June 3, 1890.

On the 22nd the foundation stone was laid of the new chapel at Schillingsfürst. The guests were invited for ten o'clock, and were the District Superintendent, the Judge of the Sessions, the Burgomaster, and the two parish priests. I had arranged with the priest, Lehner, that I should first say some introductory words, after which he should proceed with the consecration of the foundation stone. All was beautifully decorated with flags and foliage. When everybody had taken their places, I delivered my speech, saying :—

'I have resolved to build a chapel here, the foundation stone of which we are to lay to-day, in order to provide a suitable, peaceful and ever accessible resting-place for myself and my family. We have indeed in the vault of the Catholic church a suitable burying place, and one sanctified by its situation. It is, however, not easily accessible, and the wish to visit from time to time and to decorate the graves of those whom we have

loved and mourned is deeply rooted in the mind of man. Thus I conceived the idea of choosing this spot for a burial ground, and in order that the sanctity and protection of the Church may not be wanting, a chapel is to be built around which the gravestones of the departed will stand beneath the shadow of the trees in sight of their native countryside. I was also actuated by the desire to relieve the Catholic congregation of a troublesome duty. If the vault in the church were to be opened now, it would be necessary to move the pews and take up the pavement. For this reason I hope that the inhabitants of Schillingsfürst will join in respecting and protecting the burial-ground, and recommend it to the care of the congregation. I will now ask the priest to perform the ceremony of consecration.'

The ceremony was then performed. After the priest had read the prayers and had sprinkled the holy water upon the stone, he retired, without giving any discourse, much to the dissatisfaction of those present. Dinner was at two o'clock, and in the evening I went to the Wolfsau, where I shot a roe.

The two volumes are replete with matters of interest, political and ecclesiastical, from beginning to end. It is impossible not to admire the vigour and vitality of the old man who, at the age of seventy-five, after a life of strenuous activity in the storm and stress of a very eventful period, was called upon to fill the highest post in the German Empire in succession to Bismarck and Caprivi, and held the reins of power with consummate ability till he had passed his eightieth year. Then whilst enjoying the full confidence of the Emperor and the unimpaired lucidity of his mind, he retired with dignity and spent some time in quiet preparation for the long rest in the chapel of Schillingsfürst.

J. F. HOGAN, D.D.

## CANONIZATION OF THE IRISH MARTYRS

### OPENING OF THE APOSTOLIC PROCESS REGARDING THEIR WRITINGS

WE are pleased to be in a position to place before our readers the following documents from which it will be seen that a further step of great importance in the Process for the Canonization of the Irish Martyrs has now been taken.

As all who are familiar with the proceedings in cases of Beatification and Canonization are aware, the Holy See, when a certain stage of the Process has been reached, requires an exhaustive search to be made for all writings ascribed to those whose case is in question. The object of this is that all such writings—including not only books, but letters that may have passed in ordinary correspondence, and even fragmentary notes,—may be available for examination by the Holy See before any decision is come to.

The subjoined documents are four :—

I. The Decree giving to the Archbishop of Dublin the necessary authorization to proceed with the inquiry.

II. The Instruction drawn up for the occasion by the *Promotor Fidei*,<sup>1</sup> Mgr. Verde, prescribing the manner in which the inquiry is to be held.

III. A complete list of those whose cases are under investigation. This list, it will be observed, is much fuller than that published in the I. E. RECORD for January, 1903, a considerable number of names having been added during the progress of the case in the Diocesan Court in Dublin.

IV. The Archbishop's Edict, issued in accordance with the directions of the Holy See, requiring all persons who

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<sup>1</sup> The *Promotor Fidei* is the official who, from the nature of his duties in connexion with cases of Canonization, is popularly designated 'The Devil's Advocate.'

may be in possession of writings attributed to any of our Martyrs, to bring before his Grace either the writings themselves or authenticated copies of them.

As will be seen from document No. II, the strictest obligation is imposed on all who are under the jurisdiction of the Archbishop of Dublin, and are in possession of any books, treatises, pamphlets, meditations, sermons, letters, petitions, controversial matter, or even fragmentary notes, written by any of the undermentioned Servants of God, or dictated by them, to hand over to His Grace's Court, within the time specified in his Edict, all such writings. A similar obligation is imposed on all who know of the existence of any such works or documents to reveal their whereabouts, and the Archbishop is authorized to summon any person or persons under his jurisdiction who are known or believed to have such documents in their possession, and require them to testify whether the information is correct, and command them with the full authority of the Church to produce whatever works or documents relating to this process they possess.

Enormous labour has been spent by the Archbishop and his assistants on the Process of the Martyrs in taking evidence according to all the formalities that the Church requires and presenting it to the Holy See in the manner prescribed. This minor process, or *Processiculus*, which has now been reached, will involve no less care and trouble. We feel confident that the Court will be facilitated in every way by those who have anything to lay before it.

# I.

## DUBLINEN.

BEATIFICATIONIS SEU DECLARATIONIS MARTYRII SERVORUM DEI  
PRO FIDE IN HIBERNIA INTERFECTORUM  
[AB ANNO 1540 AD ANNUM 1711]

PERILLIS ET RME DOMINE UTI FRATER.

Postulator Causae Beatificationis seu declarationis Martyrii praedictorum Servorum Dei obtinuit a Sanctissimo Domino Nostro PIO PAPA X, ut in ista Amplitudini Tuae concredita

Dublinensi Archidioecesi fieret iuridica perquisitio scriptorum iisdem Servis Dei quomodolibet, sive singulis sive aliquibus ipsorum, attributorum; verum servata Instructione a R. P. D. Promotore S. Fidei apposite tradenda.

Quum itaque idem S. Fidei Promotor eiusmodi sibi commisso muneri satisfecerit, grave ne sit ipsi Amplitudini Tuae rem omnem iuxta Instructionem hisce litteris adiectam executioni rite demandare.

Interim Amplitudini Tuae diuturnam ex animo felicitatem adprecor.

Amplitudinis Tuae,

Romae, die 4 Augusti, 1906,

Uti Frater addictissimus,

A. Card. TRIPEPI, *Pro-Praef.*

Perill. et Rñõ Dño

Archiepiscopo Dublinen.

(*cum inserto*)

✠ D. Panici, Archiep. Laodicen., *S.R.C. Secret.*

## II.

### DUBLINEN.

#### BEATIFICATIONIS SEU DECLARATIONIS MARTYRII SERVORUM DEI PRO FIDE IN HIBERNIA INTERFECTORUM

[AB ANNO 1540 AD ANNUM 1711]

### INSTRUCTIO

Pro Rñõ Dño Archiepiscopo Dublinensi, sive pro eius Vicario Generali, aut alio Viro in ecclesiastica dignitate constituto, ab alterutro deputando, qua in sua civitate et Archidioecesi perquirat omnia et singula scripta quae tribuuntur praefatis Dei Servis, sive haec ab ipsismet, sive aliena manu, eis dictantibus vel eorumdem iussu, exarata fuerint.

Quum in Actis Sacrorum Rituum Congregationis exhibitus sit Processus Informativus in Ecclesiastica Curia Dublinensi adornatus super fama Martyrii praefatorum Servorum Dei, quin tamen Processiculus scriptorum quae eisdem Servis Dei attribuantur constructus sit, Rñus Dñs Georgius (*sic*) O'Riordan, Collegii Hibernensis in Urbe Moderator et huius Causae Postulator, SSmum D. N. Pium Papam X suppliciter exoravit ut facultates necessarias et opportunas impertire dignaretur Rñõ Dño Archiepiscopo Dublinensi ad eorumdem scriptorum perquisitionem cum relativo Processiculo rite peragendam. Sacra Rituum Congregatio, vigore facultatum sibi specialiter ab ipso SSmo D. N. tributarum, his precibus benigne annuit, dummodo

omnia peragantur ad tramites Instructionis a me hac de re apposite tradendae, veluti patet ex Decreto diei 7 Aprilis vertentis anni 1906.

Quum itaque valida habeantur argumenta, Dublinensi in Urbe et Archidioecesi reperiri scripta Servorum Dei pro Fide in Hibernia interfectorum [ab anno 1540 ad annum 1711] necesse est ut in eadem Civitate et Archidioecesi praedicta perquisitio fiat.

Porro ex Urbani VIII decretis, scriptorum nomina veniunt nedum opera, sed et tractatus, opuscula, meditationes, conciones, epistolae, supplices libelli, adversaria, et id genus alia quae vel ab ipsismet Servis Dei, vel aliena manu, iis dictantibus vel eorumdem iussu, exarata sint.

Quare Rm̃s D. Archiepiscopus Dublinensis, vel eius Vicarius Generalis, sive Vir alius in ecclesiastica dignitate constitutus, ab alterutro delegandus, cum sibi opportunum visum fuerit, accerset Promotorem Fiscalem Curiae, et Cancellarium, seu Tabellionem alterum ecclesiasticum ad rem eligendum, iisque negotium hoc pandet, ac rationem constituet, qua omnia perbelle impleantur.

Monendi itaque omnes Christifideles Rm̃i D. Archiepiscopi iurisdictioni subiecti de hac scriptorum perquisitione a SSm̃o Dñō Nfō iniuncta, ut, ne censuris obligentur, singula Servorum Dei scripta quae penes eos extent Rm̃o D. Archiepiscopo, sive eius Vicario Generali, aut alio delegato ecclesiastico Viro, vel hac de re electo Tabellioni, vel propriis Parochis tradant, qui eadem Rm̃o D. Archiepiscopo, sive etc., subinde mittant. Monendi item, ut illos indicent, qui scripta eadem detineant, et congruum praefiniatur tempus, non minus tamen viginti dierum, quo utrumque fiat.

Haec autem iniunctio ope Edicti peragenda esset, ad valvas Ecclesiae Metropolitanae et aliarum de more affixi. Si tamen id rerum adjuncta non ferant, eiusmodi SSm̃i mandatum pateferi poterit Parochorum opera, vel alio quovis modo qui rei obtinendae par a Rm̃o D. Archiepiscopo, sive etc., videbitur.

Si ab aliquo Servorum Dei scripta afferantur, Rm̃s D. Archiepiscopus, sive etc., ab ipso qui ea tradet iuramentum exiget veritatis dicendae et nihil occultandi de quo interrogatus fuerit; quod praestandum flexis genibus, tactisque SS. Dei Evangeliiis. Illum deinceps interrogabit de qualitate et numero scriptorum, de loco et locis ubi ea asservabantur, ac de aliis quae ad rem pertineant, et num praeter allata scripta, alia, necne, ipse habeat, vel sciat ab aliis detineri; an fraus hac de re intercesserit, vel adversus casus: qui, quando, quomodo. Quae interrogatoria, ac simul tradita responsa Cancellarius Curiae vel Notarius alter sedulo adnotare debet, adiciendo foliorum numerum quibus eadem scripta constant, et alia adiuncta necessaria et opportuna.

At si pateat, vel saltem coniciatur, Servorum Dei scripta ab aliquo detineri, qui Rm̃i D. Archiepiscopi Dublinensis iurisdictioni subsit, neque ea fuisse tradita, idem Rm̃us Vir, sive etc., illum advocabit, eique pandet onus omnia et singula exhibendi scripta praeatorum Servorum Dei, et eos etiam innuendi, qui ipsa habeant. Deinde ab eodem iuramentum exiget veritatis dicendae et nihil occultandi de quo interrogatus fuerit. Postea illi proponit interrogationes superius traditas, aliasque addet pro re nata si necesse sit.

Haec autem omnia fieri semper debent coram Promotore Fiscali, et cuncta in Actis describente Cancellario sive altero Notario Deputato.

Si relatum fuerit huiusmodi scripta esse in Bibliotheca, vel Archivo publico, Rm̃us D. Archiepiscopus, sive etc., ea transcribi iubebit, atque exemplar legitime confectum, recte cum autographo collatum, et authenticum declaratum, Processiculo inseretur.

Si vèro appareat, vel saltem coniciatur, Servorum Dei iis in locis detineri quae Rm̃i D. Archiepiscopi Dublinensis iurisdictioni minime subsint, eius erit hac de re Sacram Rituum Congregationem certiore facere, loca et homines indicando qui illa servant, ut Sacra Congregatio, quid in casu fieri opus sit, opportune provideat.

Singula porro scripta quae tradentur, vel alia quavis ratione reperiri poterunt, Rm̃i D. Archiepiscopi sigillo obsignabuntur, ac, prouti extant, transmittentur ad SS. Rituum Congregationem. Quod etiam fiet de exemplaribus quae a Cancellario conficiuntur vel ab altero Notario Deputato, aut desumentur ex Archivis, vel aliis locis publicis.

Quae quidem omnes diligentiae adhibitae ad scripta Servorum Dei perquirenda, ab Archiepiscopalis Curiae Cancellario, sive ab altero ecclesiastico Notario Deputato, in Processiculum referendae sunt, qui ad SS. Rituum Congregationem, una cum repertis scriptis, et mea hac Instructione vel ejus exemplari, transmittetur. Hic vero Processiculus confici, et Romam transmitti debebit, etiamsi nulla scripta reperta fuerint. Ipse porro Rm̃us D. Archiepiscopus, sive etc., utroque in casu Processiculum subscribet, et suo sigillo obsignabit.

Si quae autem desiderentur adhuc, Rm̃i D. Archiepiscopi atque eius Vicarii Generalis commendantur religioni, prudentiae, atque in rebus gerendis dexteritati, quibus SSm̃us Dñus Nf, et SS. Rituum Congregatio plurimum in Domino confidunt.

Die 10 Iulii 1906.

ALEXANDER VERDE S. C. Adv.,  
S. Fidei Promotor.

## III.

## LIST OF THOSE SERVANTS OF GOD

WHOSE CASES ARE UNDER CONSIDERATION

## CATALOGUS PRIMUS

SERVORUM DEI IN HIBERNIA AB ANNO 1540 USQUE AD ANNUM  
1711 PRO CATHOLICA FIDE INTERFECTORUM.

1540

Guardianus et Socii, o.s.f., Conventus Monaghensis.

1541

Robertus et Socii, Ord. Cist., Conventus Dublin.

1563

Conatius Macuarta (MacVarra)	Rogierius Congall (MacCongall),
MacCarthy), o.s.f.	o.s.f.

1569

Daniel O'Neilan (O'Duillian), o.s.f.

1575

Joannes O'Lorcan, o.s.f.	Edmundus Fitzsimon, o.s.f.
Donatus O'Ruarch, o.s.f.	Fergallus Ward, o.s.f.

1577

Thomas Coursy, Sacerdos, v.g.,	Gulielmus Walsh, Ord. Cist.,
diœc. Corcag.	Episc. Midensis.

1578

Patritius O'Hely, Episc. Maion-	Thomas Moeran, Sacerdos, De-
ensis, o.s.f.	canus Corcag.
Cornelius O'Ruarke, o.s.f.	Phelim O'Hara, o.s.f.
Daniel O'Hurley, Sacerdos,	Henricus Delahoyd, o.s.f.
Decanus Imelac.	

1579

Thaddæus Daly et Socii. o.s.f.	Joannes O'Dowd, o.s.f.
Edmundus Tanner, Ep. Corcag.	Thomas O'Herlahy, Ep. Rossen.

## 1580

Edmundus MacDonough  
(M'Donnell, Donatus,  
Dunallus), S.J.  
Laurentius O'Moore, Sacerdos,  
diœc. Kerrien.  
Oliverus Plunkett, laicus.  
Gulielmus Walsh (de Wallis),  
laicus.

Daniel O'Nielan, O.S.F.  
Daniel (Donatus) Hanrichan,  
O.S.F.  
Mauritius O'Schanlan, O.S.F.  
Philippus O'Lee (Lews), O.S.F.  
Prior et Socii, Ord. Cist., Mon-  
asterii Graeg.

## 1581

Nicolaus Nugent, laicus.  
David Sutton, laicus.  
Joannes Sutton, laicus.  
Gualterus Layrmus, laicus.  
Thomas Eustace (Aylworth),  
laicus.  
Joannes Eustace, laicus.  
Gulielmus Organ (Wogan),  
laicus.  
Robertus Scurlock (Sherlock),  
laicus.  
Joannes Clinch, laicus.  
Thomas Netherfield (Netter-  
ville), laicus.

Robert Giraldinus (Fitzgerald),  
laicus.  
Matthæus Lampport, Parochus  
Diœc. Dublin.  
Ricardus Frinch, Sacerdos  
diœc. Fernen.  
Robertus Meiler (Miller), laicus.  
Eduardus Chevers, laicus.  
Joannes O'Lahy, laicus.  
Nicolaus Giraldinus (Fitz-  
gerald), Ord. Cist.  
Patritius Hayes, laicus.  
Patritius Canavanus, laicus.

## 1582

Thaddæus O'Meran, O.S.F.  
Phelim O'Corra, O.S.F.  
Æneas Penny, Sacerdos Prov.  
Tuamen.  
Rogerius Donnellan, O.S.F.  
Carolus Goran, O.S.F.  
Petrus O'Chillan (Goillanus),  
O.S.F.  
Patritius Kenna, O.S.F.  
Jacobus Pillenus (Pilanus),  
O.S.F.

Rogerius O'Hanlon (Henla),  
O.S.F.  
Thaddæus O'Morochu, O.S.F.  
Henricus O'Fremlamhaid,  
O.S.F.  
Joannes Wallis, Sacerdos Prov.  
Dublin.  
Donatus O'Reddy, Parochus  
diœc. Connor.

## 1584

Dermitius O'Hurley, Archiepis-  
copus Casseliensis.  
Gelasius O'Cullenan, Ord. Cist.,  
Abbas.  
Hugo (Joannes), Mulcheran  
(Kieran), Ord. Præmonstr.

Eugenius Cronius (Cronin),  
Sacerdos Prov. Tuam.  
Joannes O'Dalaigh, O.S.F.  
Eleonora Birmingham, vidua.  
Thaddæus Clancy, laicus.

1585

Ricardus Creagh, Archiep.  
Armacanus.

Patritius O'Connor, Ord. Cist.  
Malachias O'Kelly, Ord. Cist.

Mauritius Kenraghty (Kin-  
rechtin), Sacerdos diœc.  
Limeric.

1586

Moriarthus (Mauritius) O'Brien,  
Episc. Imelac.

Donatus O'Hurley (O'Mur-  
heely), o.s.f., et Scclius.

1587

Joannes Cornelius (Cornulies),  
o.s.f.

Gualterus Farrell (Ferrall),  
o.s.f.

1588

Dermittus O'Mulruony (Mul-  
chonry), o.s.f., Frater  
Thomas et Socius.

Patritius Plunkett, laicus,  
Eques.

Mauritius Eustace, laicus.

Petrus Miller (Meyler), Sacer-  
dos diœc. Fernen.

Joannes O'Molloy, o.s.f.

Patritius Meiler, laicus.

Cornelius O'Dogherty, o.s.f.

Patritius O'Brady, o.s.f.

Godefridus Farrell, o.s.f.

Thaddæus (Theig) O'Boyle,  
o.s.f.

1590

Matthæus O'Leyn, o.s.f.

Chrystophorus Roche, laicus.

1591

Terentius Magennis, o.s.f.

Loglain Oge Mac O'Cadha,

Magnus O'Fredliney  
(O'Todhry), o.s.f.

o.s.f.

1594

Andreas Strich, Sacerdos diœc. Limeric.

1597

Joannes Stephens, Sacerdos  
Prov. Dublin.

Gualterus Ternanus, o.s.f.

1599

Georgius Power, Sacerdos, v.g. diœc. Ossor.

1600

Joannes Valesius, Sacerdos,  
v.g. diœc. Dublin.

Jacobus Dudal, laicus.

Patritius O'Hea, laicus.

Nicolaus Young, Sacerdos  
diœc. Miden.

1601

Redmundus Gallagher, Epis. Derrien. et tres Socii.	Joannes O'Kelly, Sacerdos Prov. Tuam.
Daniel O'Mollony, Sacerdos, v.g., diœc. Laon.	Donchus O'Croninus, Clericus. Bernardus Moriarty, Sacerdos, v.g., diœc. Dublin.

1602

Dominicus Collins (O'Colinus, O'Calan), s.J.

1606

Bernardus O'Charnel (O'Carolan), Sacerdos Prov. Dublin.	Eugenius (Hugo) O'Gallagher, Ord. Cist.
Eugenius MacEgan, Episcopus Ross. desig.	Bernardus O'Trevir, Ord. Cist.

1607

Dermitius Bruodinus, o.s.f.	Joannes Olvinus, o.p
Nigellus O'Boyle (O'Buighill), o.s.f.	Patritius O'Derry, o.s.f. Franciscus Helam, o.s.f.
Donatus (Gulielmus) Olvinus (O'Luin), o.p.	

1610

Joannes Luneus (Lune), Sacerdos diœc. Fernen.	Joannes de Burgo, laicus, Eques.
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1612

Cornelius O'Deveny (Devanius) Episc. Dun. et Connor.	Patritius O'Locheran, Sacerdos diœc. Corcag.
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1614

Gulielmus MacGillacheni (Gillachoine), (MacGollen), o.p.

1617

Thomas Giraldinus (Fitzgerald), o.s.f.	Joannes Honan, o.s.f.
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1620

Franciscus Tailler, laicus, De- curio (Alderman), Dublin.	Jacobus Eustace, Ord. Cist.
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1628

Edmundus Dungan, Ep. Dun. et Connor.

1641

Petrus O'Higgin, o.p.

## 1642

- |                               |                             |
|-------------------------------|-----------------------------|
| Philippus Clery, Sacerdos.    | Robertus (Malachias) Shiel, |
| Hilarius Conerius (Conræus),  | Ord. Cist.                  |
| o.s.f.                        | Edmundus Hore, Sacerdos     |
| Fergallus Ward, o.s.f.        | diœc. Waterford.            |
| Cornelius O'Brien, laicus.    | Joannes Clancy, Sacerdos    |
| Franciscus Matthew (O'Ma-     | diœc. Waterford.            |
| hony), o.s.f.                 | Raymundus Keoghy, o.p.      |
| Thomas Aquinas à Jesu, o.d.c. | Connallus MacEgan, o.p.     |
| Angelus a S. Josepho, o.d.c.  |                             |

## 1643

Petrus a Matre Dei, o.d.c.

## 1644

- |                             |                               |
|-----------------------------|-------------------------------|
| Cornelius O'Connor, o.ss.t. | Giraldus Giraldinus (Fitz-    |
| Eugenius Daly, o.ss.t.      | gerald), o.p. ; alias Gibbon. |
| Hugo MacMahon, laicus.      | Christophorus Ultanus (Dun-   |
| Cornelius Maguire, laicus.  | levy), o.s.f.                 |
|                             | David Fox, o.p.               |

## 1645

- |                               |                              |
|-------------------------------|------------------------------|
| Henricus White, Sacerdos      | Malachias Queely, Archiepis- |
| diœc. Miden.                  | copus Tuamensis.             |
| Edmundus Mulligan, Ord. Cist. | Thaddæus O'Connell, o.s.a.   |

## 1647

- |                         |                               |
|-------------------------|-------------------------------|
| Ricardus Barry, o.p.    | Theobaldus Stapleton, Sacer-  |
| Gulielmus Boyton, s.j.  | dos diœc. Cassel.             |
| Ricardus Butler, o.s.f. | Eduardus Stapleton, Sacerdos  |
| Jacobus Saul, o.s.f.    | diœc. Cassel.                 |
| Elisabeth Carneus.      | Thomas Morrisæus, Sacerdos et |
|                         | duo Socii, diœc. Cassel.      |

## 1648

- |                           |                          |
|---------------------------|--------------------------|
| Donaldus O'Neaghten, o.p. | Andreas Hicquæus, o.s.f. |
|---------------------------|--------------------------|

## 1649

- |                             |                            |
|-----------------------------|----------------------------|
| Stephanus Petit, o.p.       | Petrus Costello, o.p.      |
| Robertus Netterville, s.j.  | Raymundus Stafford, o.s.f. |
| Joannes Bath, s.j.          | Paulus Synnott, o.s.f.     |
| Thomas Bath, Sacerdos Prov. | Joannes Esmond, o.s.f.     |
| Armac.                      | Petrus Stafford, o.s.f.    |
| Dominicus Dillon, o.p.      | Didacus Chevers, o.s.f.    |
| Ricardus Oveton, o.p.       | Josephus Rochford, o.s.f.  |
| Petrus Taaffe, o.s.a.       | Gulielmus Lynch, o.p.      |
| Bernardus Horumlœus, o.s.f. | Gulielmus O'Connor, o.p.   |
| Ricardus Synnott, o.s.f.    |                            |

## 1650

Boetius Egan, Episc. Ross.	Jacobus O'Reilly, O.P.
Mylerus Magrath, O.P.	Thomas O'Higgin, O.P.
Franciscus Giraldinus (Fitzgerald), O.S.F.	Æneas Cahill, O.P.
Gualterus de Wallis, O.S.F.	Thomas Plunkett et alii duodecim, O.S.F.
Antonius Musæus, O.S.F.	Bernardus O'Ferrall, O.P.
Joannes Dormer, O.S.F.	Eugenius O'Teman, O.S.F.
Nicolaus Uganus (Ulagan), O.S.F.	

## 1651

Dionysius Nielan, O.S.F.	Bernardus O'Brien, laicus.
Thaddæus O'Carighy, O.S.F.	Daniel O'Brien, laicus.
Hugo MacKeon, O.S.F.	Joannes O'Kennedy, laicus.
Rogerus de Mara (O'Mara), O.S.F.	Jacobus O'Kennedy, laicus.
Daniel Clanchy, O.S.F.	Patritius Purcell, laicus, Eques.
Jeremias O'Nerehiny, O.S.F.	Galfridus Galwey, laicus.
Edmundus O'Bern, O.P.	Thomas Strich, laicus, Præfectus civit. Limer.
Bernardus O'Farrell, O.P.	Dominicus Fanning, laicus.
Laurentius O'Farrall, O.P.	Daniel O'Higgin, laicus.
Ludovicus O'Farrell, O.P.	Donatus Niger, O.P.
Franciscus Sullivanus, O.S.F.	Daniel Clanchy, laicus.
Gulielmus Hicquæus, O.S.F.	Henricus O'Neill, laicus.
Philippus Flasberry, O.S.F.	Theobaldus de Burgo, laicus.
Jacobus O'Moraen, O.P.	Gulielmus O'Conor, O.P.
Carolus O'Dowd, laicus.	Vincentius Giraldus Dillon, O.P.
Donatus O'Brien, laicus.	Gulielmus Lynch, O.P.
Jacobus O'Brien, laicus.	Thomas O'Higgin, O.P.

## 1652.

Rogerus Ormilus, Parochus Prov. Tuam.	Cornelius MacCarthy, Sacerdos diœc. Ardfert.
Hugo Carrigi, Sacerdos Prov. Tuam.	Jacobus Wolf, O.P.
Eugenius O'Cahan, O.S.F.	Eduardus Butler, laicus.
Bernardinus Bruadinus (McBriody), laicus.	Joannes O'Conor, Kerry, laicus
Antonius Broder, O.S.F.	Antonius O'Ferrall, O.S.F.
Bonaventura de Burgo, O.S.F.	Joannes Ferrall, O.S.F.
Thaddæus O'Conor, laicus.	Thaddæus O'Conor, Sligo, laicus.
Joannes O'Cullen (Collins), O.P.	Constantinus O'Rorke, laicus.
Nielanus Lochran, O.S.F.	Bernardus Fitzpatrick, Sacerdos diœc. Ossor.
Terentius Albertus O'Brien, Episcopus Imelac.	Brigida Darcy (Fitzpatrick).

Joannes Karneus, o.s.f.	1653.	Bernardus O'Kelly, o.p.
Thaddæus Moriarti, o.p.		David Roche, o.p.
Raymundus MacEagha (Keaghy), o.p.		Daniel Delany, Parochus diœc. Dublin.

	1654.	
Bernardus Connæus, o.s.f.		Domina (Lady) Roche

	1655.	
Lucas Bergin, Ord. Cist.		Daniel O'Brien, Decanus Fern. nen.

1679.  
Felix O'Conor, o.p.

1691.  
Stephanus Kochelius, o.s.f.

1700.  
Dominicus Egan, o.p.

1704.  
Clemens O'Callaghan, o.p., alias O'Colgan.

1707.  
Felix MacDowell, o.p.

*Annis incertis.*

Quadraginta Fratres Ord. Cist., Monasterii de Magio.	Duo Patres, o.p., Conventus Killoensis.
Daniel O'Hanan, laicus.	Michael Fitzsimon, laicus.
Donatus O'Kennedy, o.s.a.	Conacius O'Keananus (Okien- nanus), Sacerdos.
Donatus Serenan, o.s.a.	Daniel O'Boyle, o.s.f.
Fulgentius Jordan, o.s.a.	Dermitius MacCarrha, Sacerdos
Raymundus O'Maly, o.s.a.	Donchus O'Falvius, Sacerdos.
Thomas Tullis, o.s.a.	Joannes Maeconnanus (Makon- anus), Sacerdos.
Thomas Deir, o.s.a.	Joannes O'Gradius, Sacerdos.
Jacobus Chevers, o.s.f.	Thomas Fleming, laicus.
Jacobus Roche, o.s.f.	Ludovicus O'Lavertagius, Sacerdos.
Joannes Mocleus, o.s.f.	Margarita de Cassel, o.s.dom.
Joannes O'Loughlin, o.p.	
Joannes O'Moroghue, o.p.	

(B)

## CATALOGUS SECUNDUS

SERVORUM DEI IN HIBERNIA AB ANNO 1558 USQUE AD ANNUM 1711  
PRO CATHOLICA FIDE INTERFECTORUM

*Ex Ordine Patrum Praedicatorum.*

1558-1603.

Pater McFerge, Prior cum communitate viginti quatuor fratrum  
in urbe Coleraine.

Triginta duo fratres in urbe Derry in una eadem nocte occisi.

Duo Sacerdotes et septem novitii ex urbe Limerick et Kilmallock  
(cum ipsis quadraginta duo monachi Benedictini Cistercenses)  
in mari submersi.

Pater Joannes O'Luin (O'Luighen) in urbe Derry.

1608.

Pater Gulielmus O'Luin, cum fratre in urbe Derry.

1614.

Pater Gulielmus M'Gillacunny, in urbe Coleraine.

1633.

Pater Arturus M'Geoghegan.

1641.

Pater Petrus O'Higgin, in urbe Dublino.

1642.

Frater Cormac Egan (frater laicus). Pater Raimundus Keogh.  
Pater Stephanus Petit.

1645.

Pater Joannes Flaverty.

1647.

Pater Riccardus Barry, in urbe Cashel. Margarita ex urbe Cashel (Ter-  
tiaria O.S.D.)

1648.

Frater Geraldus FitzGibbon	Pater Petrus Costello.
(clericus) in urbe Kilmallock.	Frater Dominicus O'Neaghten.
Frater David Fox (frater laicus)	

1649.

Pater Dominicus Dillon, in urbe	Pater Jacobus O'Reilly, in urbe
Drogheda.	Clonmel.
Pater Riccardus Oveton.	

1650.

Pater Miler Magrath.

1651.

Terentius Albertus O'Brien,	Pater Bernardus O'Ferral, in
Episcopus Emelien, in urbe	urbe Longford.
Limerick.	Pater Vincentius Gerald Dillon,
Pater Joannes Wolfe.	in urbe York.
Pater Joannes O'Cuilin (Collins)	Frater Donatus Dubh (frater
Pater Gulielmus O'Connor, in	laicus).
urbe Clonmel.	Frater Jacobus Moran (frater
Pater Gulielmus Lynch.	laicus).
Pater Thomas O'Higgin, in	Pater Ambrosius Aeneas
urbe Clonmel.	O'Cahil, in urbe Cork.

1652.

Pater Edmundus O'Bern.

1653.

Pater Thaddeus Moriarty, in	Soror Honoria Burke, in urbe
urbe Tralee.	Borrishoole.
Pater Bernardus O'Kelly, in	Soror Honoria Magan (ambae
urbe Galway.	Sorores ex tertio Ordine).
Pater David Roche, in urbe S.	
Kitts.	

1665.

Pater Raimundus O'Moore, in urbe Dublino.

1679.

Pater Felix O'Connor, in urbe Sligo.

1691.

Pater Geraldus Fitzgibbon, in urbe Listowel.

1695.

Pater Joannes O'Murrough, in urbe Cork.

1703.

Pater Joannes Keating.

1704.

Pater Clemens O'Colgan, in urbe Derry.

1707.

Pater Daniel M'Donnell, in urbe Galway,      Pater Felix M'Dowell, in urbe  
Dublino.

1713.

Pater Dominicus M'Egan, in urbe Dublino.

*Ex Ordine Sancti Francisci.*

1631.

Paulus (Patritius) Fleming,      Matthæus Hore, Sacerdos.  
Sacerdos.

*E. Societate Jesu.*

1639.

Joannes Meagh, Sacerdos.

*Ex Ordine Erem. S. Augustini.*

1654.

Gulielmus Tirry, Sacerdos.

*Sacerdos Sæcularis.*1711 (*circiter*)

Jacobus O'Hegarty (seu Hesarty), Sacerdos sæcularis dioecesis  
Derriensis.

## IV.

## THE ARCHBISHOP'S EDICT

ISSUED IN PURSUANCE OF THE FOREGOING DECREE AND  
INSTRUCTION

*WILLIAM, by the grace of God and favour of the Apostolic  
See, Archbishop of Dublin, Primate of Ireland, etc., etc.,*

*To the Clergy and Faithful of the Diocese of Dublin.*

WHEREAS, in obedience to the injunctions of the Apostolic See, it is necessary to collect all writings attributed to the Servants of God who were put to death for the Faith in Ireland from the year 1540 to the year 1711, if any of the faithful of this city or diocese have in their possession, or know that others have in their possession, any manuscript or printed work, whether autograph, or dictated, or composed by direction of any of the aforesaid Servants of God, We order, under the usual spiritual penalties, that within the space of forty days, to be counted from the 1st day of February, 1907, such persons present themselves before Our Diocesan Court and give such information regarding those works as may secure their being duly lodged in court. Those of the faithful who, from devotion to the Servants of God, may wish to retain the original writings, may deposit in their stead authenticated copies of the same.

We rest assured that all the faithful will gladly second the painstaking labours of the Holy See in the Cause of the Beatification and Canonization of the aforesaid Servants of God.

Given at Dublin on this the 21st day of January, 1907.



# Notes and Queries

## THEOLOGY

### COMMUNION OF THE SICK

THE Sacred Congregation of the Council has published a decree of far-reaching importance on Communion of the sick who are unable to observe the natural fast. Outside the case of Viaticum and the probable case of Paschal Communion, the sick, who were unable to fast, were excluded from the reception of Holy Communion. The law is now modified so as to allow the sick, who are unable to fast, sometimes to receive the Holy Eucharist though they have taken some nourishment by way of drink.

Excitato inde studio fovendae pietatis, quaesitum est, si quo forte modo consuli posset aegrotis diuturno morbo laborantibus et Eucharistico Pane haud semel confortari cupientibus, qui naturale jejunium in sua integritate servare nequeant. Quare supplices ad hoc preces delatae sunt SSmo. D. N. Pio PP. X ; qui, re mature perpensa auditoque consilio S. Congregationis Concilii benigne concessit ut infirmi, qui jam a mense decumberent absque certa spe ut cito convalescant, de confessarii consilio SSmam Eucharistiam sumere possint semel aut bis in hebdomada, si agatur de infirmis qui degunt in piis domibus, ubi SSmmum Sacramentum adservatur, aut privilegio fruuntur celebrationis Missae in Oratorio domestico ; semel vero aut bis in mense pro reliquis, etsi aliquid per modum potus antea sumpserint.<sup>1</sup>

1. The conditions and limitations of the privilege now promulgated are indicated in the decree itself. There is question only of those who have been sick for at least a month—*qui jam a mense decumberent*. The word 'decumberent' does not imply that only those who are sick in bed enjoy the privilege. Although, looked at derivatively, 'decumbere' would point to people who lie prostrate on bed or couch, still in its secondary meaning,

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<sup>1</sup> S. Cong. Con., 7 Dec., 1906.

it denotes all who are seriously ill. It would, indeed, be strange if the Sacred Congregation were to deny this privilege to those who, though ill, cannot or do not remain in bed, while others, who are no worse, are in the enjoyment of it. Hence I would say that all who are seriously ill are allowed to receive Holy Communion, if the other conditions are fulfilled.

2. The decree speaks only of those who, having been sick for a month, have no certain hope of a speedy recovery—'absque certa spe ut cito convalescant.' What is meant by a 'speedy' recovery? Remembering the desire of the Church to bring Holy Communion within easy reach of the sick and also the fact that the decree is of wide interpretation, to me it seems reasonable to hold that a speedy recovery is one which will take place within a few days.

3. To enjoy the privilege it is not enough to be ill and without certain hope of a speedy recovery; the patient must, moreover, be unable to observe the natural fast from midnight till morning—'qui naturale jejunium in sua integritate servare nequeant.'

4. It is permitted to the sick who have been ill for at least a month, who have no certain hope of a speedy recovery, and who are unable to observe the natural fast, to take some nourishment *per modum potus* before Holy Communion. They are allowed no solid food, but anything that, in common parlance, comes under the name of liquid can be taken.

5. Finally, with the advice of a confessor, the sick, who live in pious houses where the Blessed Sacrament is reserved or where the privilege of having Mass celebrated in a private oratory holds, are permitted, though not fasting, to receive the Blessed Eucharist once or twice a week; and others are allowed Holy Communion once or twice a month. By 'pious houses' the decree does not mean private homes noted for the piety of their inmates, but rather houses that are pious in the ecclesiastical sense, such as houses of religious, ecclesiastical seminaries, residential schools under religious management, and the like.

J. M. HARTY.

## CANON LAW

TITLE OF 'MONSIGNORE,' INSIGNIA AND PRIVILEGES  
OF VICARS-GENERAL AND CAPITULAR

REV. DEAR SIR,—If a Vicar-General is a Domestic Prelate he has, of course, the title of Monsignore, and the right of wearing the prelatial dress we are familiar with, but if he is a simple priest does he bear the title of 'Monsignore,' and has he any special insignia or privileges?

V.-G.

Vicars-General, and also Vicars-Capitular *durante munere*, bear the honorary title of 'Monsignore'; for, whatever may be said about it in former times, after the *Motu Proprio* of Pius X, 21st February, 1905, there is no doubt that they are titular apostolic Protonotaries as long as they hold their office. It is stated in n. 62 of the decree mentioned, as follows: 'Pariter qui Vicarii Generalis aut etiam Capitularis munere fungitur, hoc munere perdurante, erit Protonotarius titularis.' Now, Protonotaries of all kinds are prelates, and all prelates bear the honorary title of 'Monsignore.'

As to their insignia, for choir purposes they have the right of wearing a special prelatial dress and that only in the case that they are not domestic prelates or canons in the diocesan chapter. In the latter instance they must wear the same canonical robes as those worn by other canons or dignitaries, as the case may be. This special prelatial dress already referred to is thus described in n. 64 of the above-mentioned document:—

Extra Urbem . . . in sacris functionibus rite utuntur habitu praelatio, nigri ex integro coloris, idest veste talari, etiam si libeat cum cauda (nunquam tamen explicanda) zona serica cum duobus flocculis a laeva pendentibus, rocchetto, mantelletta et bireto, absque ulla horum omnium parte, subsuto aut ornamento alterius coloris.

This choir dress, therefore, may be worn by Vicars-General and Capitular only outside Rome, as they are

prelates only *extra Urbem*. It consists of a black soutane (even with a train, if desired, which is always tied up and on no occasion can be displayed), of a black silk cincture with tassels hanging on the left side, and a rochet, black biretta and mantelletta shaped like that used by domestic prelates, with this difference only that it must be black in colour, as also must be all accessories such as trimmings, stitching, and other minor ornaments.

In everyday dress, in countries where priests wear the soutane and the tricorn-shaped hat for street use, the Vicars in question in going out may wear, even in Rome, besides the soutane, a black silk cincture with fringe instead of tassels at the ends of the two portions hanging on the left side, and also a black cord with fringed tassels in the hat.

In missionary countries this black silk cincture may be used at home or in the chapel, and wherever the soutane is worn, and especially on particular occasions such as solemn meetings, audiences, official visits, receptions, etc.

Dressed in their special costume in assisting at the Church ceremonies, they enjoy the privilege of precedence over all priests, and even canons taken only separately—because they have not the right of precedence if canons are present in their corporate capacity, forming the cathedral or collegiate chapter.

Besides, in ecclesiastical functions where a genuflection is required by Rubrics to be made by priests in passing before the curcifix or the bishop, Vicars-General may make only a bow, and also in the choir are incensed with a double swing.

They may use a coat of arms, which is either that of their own family or a conventional one, ornamented with a hat, cord, and tassels, which must be all black in colour.

Outside Rome, they may have the use of a *bugia* when singing High Mass, when officiating in solemn Vespers, when saying Low Mass on some particular festive occasion, and in other Church functions celebrated with special solemnity.

As Vicars-General and Capitular are only temporary prelates, their honorary titles and privileges expire as soon as they cease holding their office.

**POWER OF VICARS-GENERAL AND CAPITULAR ABOUT  
FORMULA VI.**

REV. DEAR SIR,—I am aware that a decree issued by the Congregation of the Holy Office has recently modified the doctrine about the use of special faculties granted by the Holy See to the Bishops. Is it true that in force of that decree a Vicar-General in this country may use *ex officio*, and without any delegation of the Bishop, the faculties of the Formula VI, sent by Propaganda to the Irish Bishops?

P. C

It is quite true, because it has been decided that special apostolic faculties, given to the Bishops *habitualiter*, are meant to be granted to the Ordinaries, and as the faculties of Formula VI have the nature of special habitual powers, and Vicars-General come under the name of Ordinaries, so they are entitled to use these special faculties independently of any delegation from the Bishop, the powers of the formula being already delegated to them directly by the Holy See.

There are several decrees issued by the Holy Office in connexion with this question. First of all, it was decided that all special habitual faculties henceforth will be granted by the Holy See only to Ordinaries 'facultates omnes habituales in posterum committendas esse Ordinariis Locorum.'<sup>1</sup> Subsequently it was asked of the same Congregation whether the habitual faculties already given to the Bishops in the past are to be explained in the sense of the decree referred to, that is, as given to Ordinaries; and the Congregation answered: 'Declarationem S. Officii factam circa facultates concedendas . . . extendatur ad facultates iam antecederenter concessas, facto verbo cum Sanctissimo.'<sup>2</sup> Moreover, in subsequent decrees it was stated that this

<sup>1</sup> S. Congr. S. Off., 20 April, 1898.

<sup>2</sup> *Ibid.*, 23 Jun., 1898.

doctrine holds good even in the case that the faculties in question were sent, or will be sent only under the name of the Bishop of the diocese ;<sup>1</sup> and no matter whether they are or will be granted *ad tempus*, *ad revocationem*, or for a given number of cases ;<sup>2</sup> and, finally, that those faculties do not expire with the death or resignation of office of the superior to whom they were first conceded, but go to his successor.<sup>3</sup>

We infer from that doctrine that a Vicar-Apostolic without definite diocese, and superiors of religious Orders, not coming under the name of Ordinary, though they may have special faculties directly given to them, yet do not partake of the powers about special habitual faculties granted by the Holy See to the Ordinaries ; nor do their special faculties remain for their successors, so that it required a special decree of the Holy Office<sup>4</sup> to decide that special apostolic habitual faculties of regular superiors might pass down to their successors.

That Vicars-General and Capitular are Ordinaries, thus enjoying the privilege of Papal delegation about special apostolic habitual faculties, is proved by the decree of 20th February, 1888, and the other of 20th April, 1898, where we find it stated—

Appellatione Ordinariorum venire Episcopos, administratores seu Vicarios Apostolicos, Prelatos seu Praefectos habentes iurisdictionem cum territorio separato, eorumque officiales seu Vicarios in spiritualibus Generales, et, sede vacante, Vicarium Capitularem vel legitimum Administratorem.

That, in fine, the Formula VI, usually sent by Propaganda to the Irish Bishops, is composed of a number of special habitual powers, will be made clear by briefly stating the meaning of faculties apostolic, special and *habitualiter* granted.

(a) By faculties we understand here all powers of jurisdiction either *in foro interno*, or *in foro externo*, which are

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<sup>1</sup> S. Congr. S. Off., 5 Sept., 1900.

<sup>2</sup> *Ibid.* 3 Maii, 1899.

<sup>3</sup> *Ibid.* 24 Nov., 1897.

<sup>4</sup> *Ibid.* 20 Dec., 1899.

necessary or useful for the direction of the faithful and the good government of the Church, so a personal indult, such as that of the privileged altar, is not one of the faculties we have under consideration.

(b) The faculties are called apostolic that come from the Pope, either directly or through some of the Roman Congregations; hence faculties received from superiors of religious Orders, say, of blessing scapulars or religious articles, are not in a strict sense apostolic.

(c) Those faculties are special which are granted to a special church or nation; so that the word special in this connexion is not the same as rare or unusual.

(d) Faculties are given *habitualiter* when they are conferred for an indefinite number of cases or period of time, and also for a limited period of time or number of cases not determined *in concreto*.<sup>1</sup> An apostolic faculty, then, delegated to the Bishop for a special determined case, may be sub-delegated by him to the Vicar-General.<sup>2</sup>

Now the faculties of Formula VI contain all the above described elements. They are powers of jurisdiction sent to the Irish Bishops by Propaganda for a number of years, and for the governing of the Irish Church; so they have the nature of those special apostolic faculties which have been extended to Ordinaries, and therefore, to Vicars-General and Capitular. This is also confirmed by Putzer,<sup>3</sup> who writes: 'Ex quo eruitur omnes facultates formularum nostris Episcopis concessarum, quia a S. Sede eis habitualiter conceduntur ad administratorem . . . transire.'

From what has been hitherto said, we draw the following inferences:—

(1) Besides the faculties of 'Formula VI, all other apostolic faculties granted *habitualiter* to some Bishop in this country, v.g., the power of dispensing in several matrimonial impediments for a number of times, may be used by his Vicar-General, and *sede Vacante* by the Vicar-Capitular.

<sup>1</sup> S. Congr. S. Off., 3 Maii, 1898.

<sup>2</sup> *Ibid.*, 14 Dec., 1898.

<sup>3</sup> *Comm. in facult. apost.*, Appendix vii., p. 461.

(2) A Bishop cannot deprive his Vicar-General of those apostolic faculties ; nor can he restrict them, as the Vicar-General had them delegated directly from the Holy See.

(3) A Vicar-General may sub-delegate those faculties, either in general or in particular, save if such a sub-delegation be expressly forbidden, or if a particular faculty instead of an act of jurisdiction be only a *nudum ministerium*, which is always personal, and given *ratione industriae personae*.<sup>1</sup>

(4) While these faculties may be sub-delegated whenever their sub-delegation is not expressly forbidden, they cannot be communicated except in the case that such a communication be expressly permitted. Communication differs from sub-delegation especially in the effect which it produces. Only those to whom apostolic faculties are communicated become delegates of the Holy See and not those to whom such faculties are sub-delegated. Now, by a general law of the Church, Papal delegates are only allowed to constitute sub-delegates of their powers ; so that without a special permission they cannot create new Papal delegates by communication.

(5) By the death or removal from the office of the delegate, those faculties do not expire for those to whom they were communicated or sub-delegated. Putzer says : ' Nec in eo cui (facultates speciales habitualiter a S. Sede concessae sunt communicatae vel subdelegatae morte aut cessante officio subdelegantis cessare.'

S. LUZIO.

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<sup>1</sup> S. Congr. S. Off., 1 Jun., 1904.

## LITURGY

**FIRST FRIDAY INDULGENCES ; NECESSITY OF CONFESSION  
FOR GAINING THEM**

REV. DEAR SIR,—Would you kindly supplement your reply to 'C. D.' in the November, 1906, issue of the I. E. RECORD, by solving the following difficulties :—

In several parishes in Ireland the practice is to hear confessions in the principal church on the Saturday proceeding the first Sunday, and in the rural churches on the following Saturday. Now the difficulty is this, is the plenary indulgence attached *solely* to the *prima dominica cujusvis mensis*, or to the first available Sunday, leaving to the Ordinary, or the pastor, the power of determining the day? If not in the second manner, the people of the half-parishes are, practically, perpetually deprived of this indulgence ; and I may add that, in my experience, the latter believe they can gain the same indulgence on the second, which those in the parish church can gain on the first Sunday.

Finally, when you included confession among the conditions necessary for gaining the indulgences you spoke of, you were referring, I presume, to the original decree granting those indulgences. For is it not a fact that since the recent decree on Holy Communion, all that is necessary for gaining *all* and *every* indulgence incidental to any day, is a worthy Communion, with the usual prayers for the Pope's intention?

P. P.

To anyone reading the decree printed in the November, 1906, issue of the I. E. RECORD, it will become apparent at once that the indulgences there granted to the faithful in general for the first Friday of each month may be gained on this day *only*. The extension of the indulgences to non-members of any Sodality of the Sacred Heart was granted for the same occasion precisely on which they could hitherto be gained by members. Now, nobody claims that Sodalists could avail themselves of this privilege except on the *first* Friday. The indulgences, then, must be held to be restricted to this day. It may be, no doubt, a hardship on people who have not an opportunity of fulfilling the necessary conditions to be deprived of the spiritual

advantages offered by the indulgences, but then it is to be remembered that these latter constitute a singular favour and privilege which may not be enjoyed unless by complying rigorously with the requirements set forth by the Holy See. Moreover, it might be possible to devise some means of giving those in the half-parish, who desire it, facilities for complying with the necessary conditions before the first Friday, or on that morning.

When we included Confession among the conditions requisite for gaining plenary indulgences, we had before our mind ordinary contingencies, and the ordinary run of the faithful. The special circumstances of daily Communicants under the recent legislation were not contemplated. It is, then, quite true as our correspondent remarks that 'daily Communion—even though one or two days of the week be omitted—is sufficient, without weekly confession, for gaining indulgences for which confession was formerly necessary.' This does not apply to Jubilees, for which special confession will still be required.

#### USE OF REVERSIBLE CHASUBLE

REV. DEAR SIR,—Kindly have me informed in the I. E. RECORD if there is any decree of the Congregation of Rites *permitting* or *forbidding* the use of a reversible chasuble? Yours truly,

AUSTRALIAN.

As far as we have been able to ascertain there has been no decree issued by the Congregation of Rites on the subject of the reversible chasuble. Presumably, the matter has not been brought under the notice of the Roman authorities. Our own view is that this class of vestment is not rubrical at all events; but, like many other things of the kind, exceptional circumstances of great necessity may sometimes arise to justify its employment. For using it ordinarily there can scarcely be any justification. There is a certain measure of liturgical deordination, or unbecomingness, in using one vestment as a sort of lining to another. If economy is desired either in the way of room—should it

be necessary to take vestments on a journey,—or on the score of expense, might not the end be attained with greater propriety by using a cloth of gold set which answers for three colours ?

**CHARACTER OF MUSIC AT A LOW MASS: PRAYERS  
PRESCRIBED BY LEO XIII**

REV. DEAR SIR,—An answer to the following questions will greatly oblige :—

1. (a) At a Low Mass may a choir sing the *Kyrie, Gloria, Credo, Sanctus*, and *Agnus Dei* ? If so, how are they to manage about the first words of the *Gloria* and *Credo* ? (b) May a choir sing the *Proprium Missae* (of the day itself, or any appropriate piece from another feast) during a Low Mass ?

2. Is there any Rubric which allows the priest to take the chalice off the altar at the end of his Mass, and hold it in his hands whilst reciting the *preces* prescribed ?

B. W.

1. There is no general law of the Church that regulates the character of the music, or singing, that may be rendered during a Low Mass. As far as the Liturgy is concerned the functions of a choir in these circumstances do not seem to be contemplated at all. In the absence, therefore, of general legislation on the subject the Bishop is the person who is to decide what kind of music may be sung at a Low Mass. Should he permit it, there can be no objection, as far as we can see, to the pieces suggested by our correspondent. If the *Gloria* and *Credo* be selected the initial words of each—that are intoned by Celebrant in a *Missa Solemnis* or *Cantata*—must be sung by the choir. It would be very irregular and meaningless to pass over the beginnings of these sacred chants.

Subject to the same reservations our answer to the second part of this question is in the affirmative.

2. The prayers prescribed by the late Pope to be said after every Low Mass are extra-liturgical in the sense that they are not covered by the general Rubrics of the Mass, which conclude with the last Gospel, and, consequently, that there are no detailed directions regarding them such as we find in reference to all the other ceremonial minutiae

of the Holy Sacrifice. Neither have we so far any authoritative decision of the Congregation of Rites on the many points raised in connexion with them. Rubricists, therefore, in solving the question proposed by our correspondent and many others of kindred character have to be guided for the most part by analogy and by their notions of what is best calculated to promote the *decentia* of liturgical worship. Relying, then, on these principles they commonly teach that it is, at least, the more *proper* thing to do to leave the chalice on the Altar until the prescribed *preces* are finished. It would, indeed, we fancy be rather awkward and unbecoming, and, possibly liable to other inconveniences also, if the priest were to hold the chart on which the prayers are printed in his right hand, while the left is engaged at the same time with the chalice and its coverings. And even if the chart is not required, then it seems to be more becoming to say the prayers *junctis manibus*.

#### ALTAR DECORATION ON CERTAIN OCCASIONS IN LENT

REV. DEAR SIR,—Would you kindly answer the following question: Is it lawful to use flowers, palms, etc., on Passion Sunday, and to omit covering statues, crucifixes, etc., with purple on that day, simply because it is the close of a week's mission, and the public renewal of Baptismal Vows takes place on Passion Sunday evening in the church?—Yours, etc.,

J. J. D.

A question almost identical with above was asked some time ago<sup>1</sup> of the Congregation of Rites, and was answered favourably. The exact query was whether it is lawful on the occasion of the First Communion of children, or of Devotions to St. Joseph in the month of March, to decorate the altar with flowers, and use the organ during Lent, and, also, to leave the statue of the saint uncovered during Passion-time. To all points the answer was in the affirmative, from which we conclude that there can be no great deordination in doing what our correspondent seems desirous of being free to do.

<sup>1</sup> May, 1878. Decr. 3448 (nov. col.).

**BENEDICTION OF THE MOST HOLY SACRAMENT. PRESENCE OF REMAINS IN CHURCH AND PERFORMANCE OF CERTAIN PAROCHIAL FUNCTIONS, Etc.**

DEAR REV. SIR,—Kindly answer the following questions in a future issue of the I. E. RECORD :—

1. When the nuns of an enclosed order (e.g., Carmelites) have permission for benediction of the Blessed Sacrament on a particular day or days (e.g., for a novena or octave), and it is given immediately after Mass, is the chaplain bound or supposed to give it when in order to do so, *he* has to make all the requisite preparations, viz., to remove the altar charts, the missal and stand, the cross, etc., light the candles, bring thurible, incense, monstrance, etc., from the sacristy? In other words, after divesting himself of chasuble and maniple, can he then make these preparations? or is he to divest himself also of stole, alb, and amice, and after making the preparations, resume them, or is he free to decline in the circumstances to give Benediction?

2. When Benediction is given immediately after Mass, as in the above case, what should be the colour of the stole and cope? Is there any option?

3. After a Low Mass, or a 'Missa Cantata (de Requies) *praesente cadavere*,' if the Absolution is to be given, is the celebrant and he only to give it (*episcopo non praesente*)? Is there any exception (*praesente cadavere vel non*)?

4. It is the custom in many places to have the remains of deceased parishioners brought to the church on the evening before burial. Is it rubrical to have the coffin placed in the centre of the church before the High Altar (whether immediately outside the altar rails, or near the entrance of the church), if the Sacred Heart Sodality or other devotions with Benediction of Blessed Sacrament are to take place after the remains are brought into the church? Kindly let your answer embrace the case where there is a side chapel and where there is not?

5. Again, suppose it is allowed by the Rubrics (which I do not believe) that the remains may be left in front of the High Altar during Benediction of Blessed Sacrament (as above), if on the morning of the burial a Requiem Mass is said for deceased (and the Absolution is to be given), and a novena with Benediction of Blessed Sacrament is being held in the church *after Mass*, is it rubrical to hold the novena devotions before giving the Absolution for the dead?

IMAAL SACERDOS.

1. Part of this question has an aspect that bears on matters of discipline, and as it is outside the province of

this department of the I. E. RECORD to enter into such details, this side of the query shall be dealt with merely incidentally and very briefly. The Rubrics indeed, do not contemplate any set of circumstances, similar to those described, in which the officiant at Benediction has himself to make all the preliminary preparations, and it does seem to be an *incommodum*, that not many priests would willingly undergo, to be obliged to perform the petty duties that should normally fall to the lot of a sacristan, or altar boys. There should indeed be some way out of the difficulty by which the priest would be relieved from this manifestly inconvenient arrangement, and the Benediction still rendered possible without any infringement of conventual rules. It is then with a view to such an adjustment of things that the point of discipline arises, and recourse to proper ecclesiastical authority seems fully warranted. But if the celebrant has got to put up with this inconvenience, what is best to be done? There would be a certain rubrical *indecentia* or unbecomingness if he were to go about the altar, while wearing the alb, and prepare things for Benediction. Therefore, the best plan would seem to be that he should divest himself after Mass, not only of his chasuble and maniple, but of *all* the vestments, then make the necessary preparations in his soutane, and having made them, vest in surplice, stole and cope for Benediction.

2. The rule is that when Benediction follows Mass immediately and without any interruption, the colour of the Mass is to be used throughout, provided it is not *black*. The reason is that in this case there is really but one action or ceremony, the Benediction being regarded as the complement of the whole. This unity is violated if the celebrant has to come to the sacristy, or go away from the altar after Mass, and if this occurs the Benedictional service, being now an independent function, is entitled to its own proper colour, which is *white*. Here there is no option.<sup>1</sup>

3. The Rubrics<sup>2</sup> lay down explicitly that the Absolution

<sup>1</sup> Cf. Van Der Stappen, *De Sac. Adm.*, § 178; Wapelhorst, *Comp. Sac. Lit.*, n. 218.

<sup>2</sup> Cf. *Rit. Rom.*, Tit. vi., c. 3, n. 7.

should always be given after the Exequial Mass. Hence the Absolution is a continuation, or appendix of the Mass. Therefore it should be given by the celebrant. There is only one exception to this rule and it is that if the Bishop of the place is present, he is privileged to give the Absolution whether he said the Mass or not. The matter is placed beyond all doubt by a decree of the Congregation of Rites of comparatively recent date.<sup>1</sup> The following question was asked: 'Num post missam in die obitus, alius sacerdos a celebrante diversus accedere potest ad Absolutionem peragendam?'

And the answer was: 'Negative: et ex decretis hoc jure gaudere tantum Episcopum loci Ordinarium.'

It is worthy of note that in former editions of the Decrees of the Congregation of Rites the words in the response ran: 'Hoc jure gaudere tantum Episcopos.' The recently amended edition of 1898 has the words given above, thus limiting the privilege more definitely. For the reasons given there can be no other exception, whether the corpse is present *physically*, or *morally*—that is, when it is absent on account of some approved cause.

4. The custom of having the remains brought to the church the evening before interment is most laudable and in thorough harmony with the wishes of the Church. The Ritual directs the remains to be placed before the High Altar, and this because they are to be the central object of the prayers and ceremonies of the Exequial Office and Mass. In giving this direction, however, the Rubrics never contemplated the case where any other function intervened between the transfer of the coffin to the church and the recital of the Dead Office. In fact the necessity of performing certain Parochial Offices, and the due celebration of certain of the greater feasts of the year are two causes that sometimes exclude the Exequial service. Van der Stappen<sup>2</sup> says in regard to Exposition of the Most Holy Sacrament: 'Exposito SS. Sacramento cadavera in Ecclesiam inferri nequeunt.' Now, what is true of the Solemn

<sup>1</sup> 12 August, 1854.

<sup>2</sup> *De Adm. Sacr.*, § 255

Exposition applies, with similar propriety, to Benediction of the Blessed Sacrament. If, therefore, it is necessary to bring the remains to the church before this ceremony has taken place, they ought to be placed in a side chapel or, in its absence, in some remote and quiet corner of the building.

5. The reply to this point has been anticipated in the foregoing. The remains should not be prominent during Benediction or any other Parochial functions in the church, and, *a fortiori*, it would be a far greater sin against the Rubrics to interpose this ceremony or other devotions between the Exequial Mass and its natural complement, the Absolution. Such a proceeding would destroy the unity of the whole Exequial function.

PATRICK MORRISROE.

## DOCUMENTS

## EXCARDINATION AND ORDINATION

## ROMANA ET ALIARUM.—EXCARDINATIONIS ET S. ORDINATIONIS

S. Concilii Congregatio die 20 Iulii 1898 decretum edidit quo circa ordinationem laicorum et clericorum ex aliis dioecesibus provenientes, qui frui nequeunt beneficio excardinationis, statuit *standum esse dispositionibus Const. 'Speculatores,'* iuxta quas dispositiones Episcopus nequit s. ordinationem conferre nisi iis qui sub eiusdem iurisdictionem cadant *vel ratione originis, vel ratione domicilii.* Ut vero quis subditus censeatur *ratione domicilii relate ad ordines suscipiendos,* statuit H. S. C. in citato decreto ut oportere saltem per congruum tempus moratus sit in loco, in quo ordinatio suscipienda est, et sub iuramento spondeat illic perpetuo remansurum esse.

Cum vero saepius contingat, ut in locis Missionum S. Congregationi de Propaganda Fide subiectis, Ordinarii iuvenes, laicos praesertim, acceptent ex aliis dioecesibus provenientes, *dummodo testimonialibus ac consensu respectivi ordinarii polleant,* eos inde mittentes, studiorum ss. ordinationumque causa, in exteris collegiis *quin antea proprium Episcopi acceptantis territorium petant,* ut devitentur ingentes expensae itinerum (quo fit ut domicilium in territorio Episcopi ordinantis non acquirant, deficiente uno ex elementis necessariis ad domicilium acquirendum nempe facto commorationis), ipsa S. C. de Propaganda Fide die 8 februarii 1899 preces Sanctitati Suae porrexit ad obtinendum, ut ex speciali indulto Ordinarii locorum missionum acceptare possint iuvenes laicos ex aliis provenientes dioecesibus, sub solo iuramento respectivae dioecesi vel Missioni in perpetuum inserviendi, antequam actu commorationis domicilium in ipsis acquirant, utpote ex peculiari indulto fit pro alumni Collegii Urbani de Propaganda Fide. Eiusmodi petitionem SSmus ad H. S. C. Concilii remisit.

Interea die 24 februarii eiusdem anni 1899 Episcopus Ratisbonensis alteram praecedenti intime connexam quaestionem ad H. S. C. resolvendam movit :

“ In Germania adhuc in usu erat ut sicuti clericis, ita etiam laicis concederentur litterae dimissoriales, quibus ab una dioecesi dimittebantur, ut statim in aliam dioecesim in perpetuum reciperentur, absque conditionibus in Constitutione *Speculatores* praescriptis. Nunc quaeritur: (1) utrum eiusmodi litterae dimissoriales, laicis concessae ante Decretum S. C. C. diei 20 Iulii 1898 validae fuerint necne; et quatenus affirmative: (2) utrum etiam

post citatum Decretum eiusmodi litterae dimissoriales laicis valide concedi possint.'

Porro dicta dubia pro opportuna solutione proposita fuerunt in generalibus comitiis die 17 Iunii 1899 sub hisce dubitationis formulis :

I. *An attenta consuetudine, vir laicus qui cum litteris testimonialibus et de licentia proprii Episcopi apud alienum Episcopum eligit domicilium, statim, vi electionis domicilii iuramento confirmatae, ad Ordines promoveri possit in casu.*

II. *An et quomodo providendum sit in casu.*

Tamen variis de causis quaestio usque ad praesens insoluta mansit, sed nuperrime ex parte eiusdem S. C. de Propaganda fide novae instantiae factae sunt, ut res examini subiiceretur.

Simul vero Delegatus Apostolicus in Foederatis Statibus Americae Septemtrionalis a S. C. de Propaganda dubium definiri poscebat, quod ad eandem materiam pertinet. Litterae eius ab illa ad H. S. C. pro opportuna provisione transmissae, ita sonant : 'S. C. Concilii die 20 Iulii 1898 decretum ferebat circa incardinationem et excardinationem clericorum, in quo (sub n. 2) statuitur, *Incardinationem faciendam esse ab Episcopo, non oretenus, sed in scriptis, absolute et in perpetuum.* In Concilio III Baltimorensi (A.D. 1884) sub n. 66 legitur : *Praescriptam incardinationem haberi declaramus, si Episcopus, elapso triennio vel respectivo quinquennio probationis, actum ad scriptionis formalis emiseric.*

'Quaeritur an vi dicti Decreti Concilii, quod requirit incardinationem *in scriptis*, nullum sit citatum decretum Concilii Baltimorensis, quod admittit *incardinationem praesumptam*; et in casu affirmativo, an eadem lex vim habeat retroactivam ad casus quibus triennium vel quinquennium probationis, iuxta praefatum Con. Baltimorensis (n. 62, 63), expletum sit ante publicationem citati decreti S. C. Concilii.'

Tres quaestiones quoad propositorum dubiorum solutionem solvendas Emis Patribus subiectae fuerunt. Et circa primam, quoad nempe dubia proposita a Rmo. Delegato Apostolico Wasingtoniae quaesitum est :

1° *An dispositio Concilii Baltimorensis, quae admisit incardinationem praesumptam, abrogata fuerit ex decreto A primis 20 Iulii 1898, quo statutum fuit, ut incardinatio in scriptis fiat. Et quatenus affirmative ;*

2° *An haec abrogatio retrahenda sit ad casum quo aliquis clericus admissus in non propria dioecesi, ibi expleverit triennium vel quinquennium commorationis (quo praesumitur incardinatio) ante diem 20 Iulii 1898, scilicet ante decretum A primis, quo vetus disciplina mutata est.*

Alia vero est quaestio relate ad usum in Germania atque

alibi inolitum concedendi excardinatorias litteras (seu, uti vocant, dimissoriales) ipsis laicis ad effectum, ut hi possint ordinari ab Episcopo benevolo receptore, tanquam proprio, non servatis regulis Constitutionis *Speculatores*, eodem modo ac um clericis fieri coeptum erat. Et quoad hanc quaestionem quaesitam fuit :

1° *An haec consuetudo vim legis obtinere potuerit, seu praescribere contra ius commune, adeo ut Episcopi legitime inolitam praxim servare potuerint.*

2° *An decretum A primis, vi clausulae finalis superius citatae, has particulares consuetudines abrogaverit.*

3° *In quocumque casu (et haec quaestio est practica) utrum haec ratio obtinendi proprium Ordinarium ad effectum S. Ordinationis probanda sit, et quibusnam cautelis : uno verbo, utrum extendenda sit ad laicos norma pro clericis introducta, ad Episcopum ordinatorem facilius acquirendum.*

Tertio loco est quaestio principalissima, quam S. C. de Propaganda iam pridem diluendam postulaverat, et nunc denuo instabat ut definiretur. Porro ut punctum clarius lucesceret, casus practicus propositus fuit. Titius iuvenis laicus dioeceseos Westmonasteriensis in Anglia acceptatur ab Ordinario Sydneyensi in Australia subsequenter ad conventiones, quae per epistolas intercesserunt, exhibito consensu cum dimissorialibus litteris Archiepiscopi Westmonasteriensis. Ast Titius non proficiscitur ad dioecesim adoptionis, sed convenit cum Archiepiscopo Sydneyensi, ut studia peragat in Lovaniensi Universitate : ibique durante studiorum curriculo, cum dimissoriis litteris Archiepiscopi Sydneyensis (qui illum retinet qua proprium subditum) ad sacros ordines gradatim promovetur, ac demum Sydneyum pergit sacerdos iam factus. Ut patet haec quaestio non parum differt a praecedenti. In praecedenti supponitur laicus, qui discessoriales obtinuit et Episcopum receptorem benevolum invenit, in eius dioecesim migrasse, et in eo domicilium canonicum incoepisse : heic vero non ita. Illic igitur minor iuris communis offensio, legis derogatio ; heic maior. Illic supponitur Episcopum personaliter cognoscere et experiri hominem quem recepit ; heic autem excluditur. Itaque casus ille ab hoc differt et species facti ac quaestio diversae sunt.

Hisce positis, allegationibus ex officio allatis sedulo perpensis, Emi. Patres responderunt :

In prima quaestione : *Ad I ' Affirmative,' ad II ' Negative.'*

In secunda quaestione : *Ad I et II ' Providebitur in tertio' ; ad III ' Affirmative iuxta normas per decretum evulgandas, facto verbo cum SSmo.'*

In tertia quaestione : *' Provisum in praecedenti.'*

**MODIFICATION OF THE LAW OF FAST AND ABSTINENCE  
IN ITALY**

**DECRETUM**

**DE JEIUNII ET ABSTINENTIAE LEGE IN ITALIA REFORMANDA**

*Feria IV die 5 Septembris, 1906.*

Frequentes pluribus abhinc annis preces Italiae praesules ad Sedem Apostolicam dirigere consueverunt, quibus ecclesiae legis jeiunii et abstinentiae mitigationem temporum conditioni congruam pro dioecesi quisque sua petierunt. In quo temperamento efflagitando illud etiam intenderunt, ut, uniformi vicinarum saltem regionum disciplina constituta, non levibus incommodis quae ex varia legis observantia sponte sua consequuntur, remedium afferretur.

Re penes Supremam hanc S. Officii Congregationem discussa, Emi. ac Rmi. DD. Cardinales in rebus fidei et morum Inquisitores Generales, omnibus mature perpensis, in plenario conventu a bito feria IV, die 5 currentis mensis Septembris, haec statuenda decreverunt :

1. In omnibus et singulis Italiae regionibus, dioecesibus quoque Melitensi et Gaudisiensi comprehensis, quae dispositionibus hac in re pro Italia latis uti solent, *jeiunium, seu lex unicae per diem refectionis*, servandum erit :

Toto tempore Quadragesimae, Dominicis tantum diebus exceptis ;

Feriis sextis et sabbatis Adventus ;

Feriis quartis, sextis et sabbatis Quatuor anni Temporum ;

Vigiliis : Pentecostes, SS. Apostolorum Petri et Pauli, B. M. V. in coelum Assumptae. Omnium Sanctorum et Nativitatis D. N. I. C.

Quibus vero diebus jeiunium praecipitur, vetatur insimul semper et absolute, in Quadragesima ne diebus quidem Dominicis exceptis, carnum pisciumque in eadem comestione permixtio.

2. Praeter jeiunium, in cunctis (ut supra) Italiae regionibus servanda etiam erit *lex abstinentiae a carnibus ab iisque omnibus quae ex carne trahunt originem*, lacte scilicet, butyro, caseo, ovis et ex quocumque animali adipe condimentis :

Feria sexta Quatuor Temporum in Quadragesima ;

Feria sexta in Parasceve ;

Vigiliis Assumptionis B. M. V., et Nativitatis Domini Nostri Iesu Christi.

3. Prima vero die quadragesimalis jeiunii ;

Feriis sextis et sabbatis Quadragesimae ;

Feriis sextis et sabbatis Adventus ;

Feriis quartis, sextis et sabbatis Quatuor Temporum :

Vigiliis : S. Ioseph Sponsi B. M. V., Annunciationis eiusdem B. M. V., ubi haec festa sub praecepto recoluntur et, ad vigiliam Annunciationis quod spectat, dummodo ea nitra Quadragesimam incidat ; Pentecostes ; SS. Apostolorum Petri et Pauli et Omnium Sanctorum abstinencia a carnibus tantum et a iure a carnibus quomodocumque expresso servanda erit : ita ut liceat pro lubitu in principali refectioe vesci ovis et lacticiniis, et tum in eadem principali refectioe tum in refectiuncula uti ex quovis adipe, butyro, margarina (quam vocant) et similibus condimentis.

4. Haec eadem abstinencia a carnibus tantum et a iure carnis servanda pariter erit omnibus et singulis aliis sextis per annum feriis, absque tamen obligatione jeiunii et, consequenter, nulla refectioem facta distinctione quoad ovorum, lacticiniorum et condimentorum liberum usum.

5. Quoties autem in aliquem ex supradictis diebus jeiunio aut abstinenciae aut utrique consecratis, inciderit vel festum aliquod ex solemnioribus in Ecclesia, vel festum Titularis aut Patroni principalis alicuius loci vel dioecesis, vel extraordinaria aliqua religiosa solemnitas (uti centenaria, piae peregrinationes et similia), vel publicae annuales nundinae quae inusitato populi concursu celebrantur, conceditur locorum Ordinariis, excepto tempore Quadragesimae et Adventus, ut tum jeiunium tum abstinenciam vel pro tota dioecesi vel, iuxta diversos casus, pro determinatis aliquibus locis in alium liberum diem sibi benevisum anticipare aut etiam, gravissimis tamen ex causis, super iis dispensare valeant.

6. Jeiunia et abstinencias in aliquibus locis ex peculiari voto servandas hoc decretum non respicit. Quod autem attinet ad Regulares utriusque sexus Familias speciali abstinenciae aut jeiunii voto non adstrictas, eas eadem ac simplices fideles lege uti posse decernitur.

7. Praesenti decreto revocantur, abrogantur ac penitus abolentur quaevis in contrarium localia indulta, concessiones, privilegia, consuetudines etiam immemorabiles, ne *Bulla* quidem *Cruciata* (ubi et quavis sub forma nunc in Italia viget) excepta. Vehementur vero fideles sibi subditos hortentur Ordinari, ut Apostolicam indulgentiam aliis bonis operibus compensare studeant.

Et sequenti feria V, die 6 huius eiusdem mensis SSmus. D. N. Pius divina providentia PP. X in solita audientia R. P. D. Adessori huius Sacrae Supremae Congregationis impertita haec

omnia et singula Sibi relata Sua auctoritate adprobare et confirmare dignatus est, mandans ad quos spectat, ut eadem, ad fidelium notitiam opportune deducta, inde a Dominica I Adventus currentis anni 1906 ad uguem servant atque ab omnibus servari satagant.

Contrariis quibuscumque non obstantibus.

Datum Romae ex Aedibus S. O. die 7 Septembris, 1900.

PETERUS PALOMBELLI,  
S. R. U. I. *Notarius*.

#### A QUESTION OF PAROCHIAL JURISDICTION

DUBIA PROPOSITA ATQUE IUXTA MOREM EIUSDEM S. C. DE IURE  
RESOLUTA IN GENERALIBUS COMITIIS DIEI 15 SEPTEMBRIS, 1906

BERGOMEN.—IURISDICTIONIS PAROECIALIS

*Per summaria precum :*

In dioecesi Bergomensi duae adsunt conterminae paroeciae, quarum uni inest nomen *Almenno S. Bartolomeo*, et alteri nomen *Almenno SS. Salvatore*; harumque fines torrens signat interfluens, nuncupatus Tornago.

Nonnulla praedia, pertinentia ad dotem parochialis beneficii SS. Salvatoris, iacent trans torrentem, in territorio scilicet S. Bartholomaei.

In his praediis vero est ecclesia, quae dicata est S. Thomae Apostolo quaeque vulgo dicitur '*San Tomè*,' et passim etiam vocatur: '*La rotonda di San Tomè*.' Haec ecclesia sive ob veteris basilicae formam, sive ob figuras affabre muro pictas, magni dicitur a peritis in arte, et censetur inter monumenta nationalia.

In praesens inter duos titulares harum paroeciarum quaestio est, cuinam ex ipsis iurisdictio super praefata capella sit tribuenda, scilicet an oratorium publicum S. Thomae sit sub dependentia praepositi parochi S. Bartholomaei, vel potius sub iurisdictione praepositi parochi SSmi Salvatoris.

Enunciata praedia cum dicto oratorio antiquitus pertinebat ad quandam monialium comunitatem, qua vero extincta, transiit ad efformandam dotem beneficii SSmi Salvatoris, cuius Praepositi autem annis 1709 et 1753 propriis sumptibus restauraverunt atque ornaverunt oratorium S. Thomae pluries ictu fulminis deformatum et vetustate fatiscens.

Praeterea expensae pro eiusdem oratorii manutentione

semper erogatae fuerunt a Praepositis SSmi Salvatoris qui insuper claves retinuerunt.

Lites tamen inter duos parochos SS. Salvatoris nempe et S. Bartholomaei ab antiquis temporibus efferbuere circa sum et exercitium ss. functionum in dicto oratorio, quibus litibus vero etiam populus utriusque paroeciae partem sumere consuevit. Quare Curia dioecesana dispositione provisoria cavit, ut parochus S. Bartholomaei uteretur praefato oratorio pro explendis officiis paroecialibus aliisque ss. functionibus pro ruculis circumstantibus, quoad usque quaestio a superiori auctoritate resoluta esset.

Hodiernus vero Episcopus in actis causae ad H. S. C. transmittendis haec refert :

Ad huic necessitati consulendum Episcopus praedecessor statuit, ut saltem quoadusque quaestio a superiori auctoritate dirimeretur, parochus S. Bartholomaei uti possit ecclesia S. Thomae, salvis iuribus quae in ipsa competere possint parochi SS. Salvatoris. Addit autem convenire partes contententes ecclesiam S. Thomae pertinere ad beneficium paroeciale SS. Salvatoris ; certum esse oratorio S. Thomae pro circumstantibus incolis indigere parochum S. Bartholomaei, qui consequenter teneretur ad expensas solvendas pro cultu atque usu oratorii ipsius ; conveniens esse, quatenus ab usu oratorii damna exoriantur, ad ea reparanda concurrere teneri etiam Fabricam Almenni S. Bartholomaei, quod acceptant tum ipsa fabrica tum ipsa civilis Communitas Almenni S. Bartholomaei. Ergo, concludit Episcopus in suo voto, quaestio resolvenda est favore parochi S. Bartholomaei, salvo iure determinandi modum, quo in toto vel in parte minuatur ante civilem auctoritatem oeconomica praesertim responsabilitas parochi SS. Salvatoris.

Emi. Patres voto Episcopi et allegationibus utriusque parochi mature perpensis, quaestionem dimiserunt decernentes :

*'Ad mentem iuxta votum Episcopi.'*

**DECISION OF SACRED CONGREGATION OF RITES REGARDING CERTAIN CEREMONIES IN CONNEXION WITH MASS AND BENEDICTION, ETC.**

**DUBIA**

**CIRCA NONNULLAS CEREMONIAS IN SACRIS FUNCTIONIBUS, ORATIONES IN MISSA ET BENEDICTIONE, CONFORMITATEM KALENDARI, ETC.**

Insequentium dubiorum declarationes a Sacra Rituum Congregatione expostulatae sunt ; nimirum :

I. An clerici prima tantum tonsura initiati, ad mentem

decreti 14 Martii 1906,<sup>1</sup> tangere possint vasa sacra et lineae sacra ac calicem praeparare in sacristia absque speciali indulto ?

II. An omnes qui vestem talarem induunt, sint vel non tonsurati, debeant iuxta Rubricas Missalis (*Ritus servandus in celebratione Missae, tit. II, 1*) superpelliceum induere dum Missae inserviunt ?

III. An Diaconus ratione ministerii sui possit, etiam praesentibus sacerdotibus et extra casum necessitatis, Sanctissimum Sacramentum de uno altari ad alterum deferre ?

IV. Iuxta Caeremoniale Episcoporum (*Lib. II, cap. 3, n. 5*) Celebrans Vesperarum, in initio huius Officii, quando ad suum locum pervenit, sedet paululum, exceptis pluvialistis ; an omnes de choro sedere debeant in eodem momento, et in sensu affirmativo consuetudo contraria pro clero de choro potestne servari ?

V. Utrum in Missa solemniori coram SSmo. Sacramento exposito Celebrans, postquam dixit in initio *Oramus te* et ad Offertorium *Veni Sanctificator*, debeat cum ministris rursus genuflectere antequam aliquantulum se retrahat versus cornu Evangelii in thuris impositione ?

VI. In eadem Missa, Subdiaconus, accepta patena post oblationem calicis genuflectit in suppedaneo ad dexteram diaconi, debente iterum genuflectere, cum venerit ante infimum gradum ?

VII. Sacra Rituum Congregatio decrevit quod Missa Ordinationis in Sabbatis Quatuor Temporum sit de Feria ; quaeritur utrum in hac Missa facienda sit commemoratio simplicis aut simplicitati occurrentis ?

VIII. In quodam Seminario studiorum causa sunt duae categoriae sacerdotum sub aliquo respectu distinctae sive quoad exercitia spiritualia, sive quoad alia exercitia. Alii eorum certae vivendi disciplinae minus strictae subiecti sunt et extra Seminarium in ecclesiis diversis Missam celebrant, alii vero in Seminario Missam celebrant. Iuxta indultum alumni omnes huius Seminarii se conformare tenentur Kalendario Congregationis religiosae ad quam pertinent Moderatores et Directores praedicti Seminarii. Quaeritur an utraque categoria sacerdotum huius Seminarii se conformare teneantur Kalendario eiusdem Familiae religiosae ?

<sup>1</sup> Cf. *Acta S. Sedis*, vol. xxxix, p. 119. Ad rem Benedictus XIV (*Inst. eccl.* 34, n. 18) docet : 'Diuurna consuetudine factum est, ut Ordinarii omnes et qui sola tonsura praediti sunt, si aliqua causa intercedat, sacra vasa, dum vacua sunt extra altaris ministerium contingant.' Quod laicis non licet, nisi adsit vera necessitas et nonnisi mediante velo. Idque eo vel magis quod Rubrica Missalis (*Ritus servandus in celebr. Missae, tit. I. n. 1*) praescribit quod 'sacerdos celebraturus . . . praeparat calicem, . . . super eius os ponit purificatorium mundum, et super illud patenam cum hostia integra, . . . et eam tegit parva palla lineae, tum velo serico ; super velo ponit bursam' (N.R.)

IX. Utrum a sacerdote Missam celebrante in ecclesia dedicata alicui mysterio Divinarum Personarum vel in oratorio quod Titulare non habet, in oratione *A cunctis* nominari debeat Patronus loci, si in loco ubi celebrat consuetudo adsit faciendi in Suffragiis commemorationem de loci Patrono ?

X. Quando transfertur festum v. g. Annuntiatio B. M. V. in quo exequiae cum Missa exequiali prohibentur, haec prohibitio subsistitne die impedita vel die in qua Officium transfertur ?

XI. An in functione Benedictionis SSmi. Sacramenti, praeter orationem de eodem, alia cantari possit ?

Sacra porro Rituum Congregatio, exquisita sententia Commissionis Liturgicae, omnibus sedulo perpensis, rescribendum censuit :

Ad I. Affirmative.

Ad II. Affirmative, nisi pro laicis alicuius Familiae religiosae obstant specialia statuta approbata.

Ad III. Affirmative.

Ad IV. Consuetudinem servari posse.

Ad V. Negative.

Ad VI. Negative, iuxta Rubricas Missalis (*Ritus servandus in celebratione Missae, tit. X, n. 8*), et iuxta decretum n. 4027 *Pluriam dioecesium* 9 Iunii 1899 ad 11.<sup>1</sup>

Ad VII. Affirmative in Sabbato Pentecostes ; Negative in aliis, nisi Officium fuerit de Feria, quo in casu commemoratio non est omittenda.

Ad VIII. Affirmative, nisi agatur de praesbyteris beneficiatis, qui, ut alias resolutum est, tenentur sequi Kalendarium ecclesiae sui beneficii,

Ad IX. Affirmative, si vigeat consuetudo faciendi de Patrono commemorationem.

Ad X. In die sola impedita, nisi Annuntiatio transferatur cum feriatione.

Ad XI. Affirmative, priusquam cantetur *Tantum ergo*, quando aliae dicendae sint preces. Negative in casu opposito, nec non in festo et infra Octavam SSmi. Corporis Christi.

Atque ita rescripsit. Die 23 Novembris 1906.

S. Card. CRETONI, *Praefectus*.

L. ♣ S.

♣ D. PANICI, Archiep. Laodicen., *Secretarius*.

<sup>1</sup> Attenta SSmi. Sacramenti expositione, in casu eadem currit ratio, quae habetur quando Subdiaconus post orationem dominicam, reddita patena ac deposito velo, genuflectit tantum in suppedaneo, quin genuflectionem iterum peragat quum descendit retro post celebrantem (R.N.)

**ADMINISTRATION OF COMMUNION TO THE SICK WHO  
ARE NOT FASTING**

**DECRETUM**

**DE S. COMMUNIONE INFIRMIS NON IEIUNIS**

Post editum de frequenti et quotidiana SS. Eucharistiae sumptione decretum die 20 mensis Decembris 1905, concessaque a SSmo. D. N. Pio PP. X die 30 mensis Maii eiusdem anni indulgentias omnibus Christi fidelibus, qui certas preces devote recitaverint pro quotidianae Communionis propagatione; post additum praeterea decretum *Urbis et Orbis*, die 14 mensis Februarii 1906 a S. C. Indulgentiarum et Reliquiarum, cuius decreti vi possent Christi fideles per quotidianam Communionem lucrari omnes indulgentias, absque onere confessionis hebdomadariae, vix dicere est, quanta laetitia benignae huiusmodi S. Sedis dispositiones exceptae sint, praesertim ab Episcopis et moderatoribus religiosorum Ordinum.<sup>1</sup> Excitato inde studio fovendae pietatis, quaesitum est, si quo forte modo consuli posset aegrotis diuturno morbo laborantibus et eucharistico Pane haud semel confortari cupientibus, qui naturale ieiunium in sua integritate servare nequeant. Quare supplices ad hoc preces delatae sunt SSmo. D. N. Pio PP. X; qui, re mature perpensa auditoque consilio S. Congregationis Concilii,<sup>2</sup> benigne concessit ut infirmi, qui iam a mense decumberent absque certa spe ut cito convalescant, de confessarii consilio SSmam. Eucharistiam sumere possint semel aut bis in hebdomada, si agatur de infirmis qui degunt in piis domibus ubi SSmum. Sacramentum adservatur, aut privilegio fruuntur celebrationis Missae in Oratorio domestico; semel vero aut bis in mense pro reliquis, etsi aliquid per modum potus antea sumpserint, servatis de cetero regulis a Rituali Romano et a S. Rituum Congregatione ad rem praescriptis. Praesentibus valituris, contrariis quibuslibet non obstantibus.

Datum Romae, die 7 mensis Decembris 1906.

✠ VINCENTIUS Card. Episc. Praenestinus, *Praefectus*.

C. DE LAI, *Secretarius*.

<sup>1</sup> Cf. *Acta S. Sedis*, vol. xxxvii., p. 794; vol. xxxviii., p. 400, et, vol. xxxix., p. 62.

<sup>2</sup> Cf. *Acta S. Sedis*, vol. xxxix., p. 499 in causa *Romana et aliarum*.

## NOTICES OF BOOKS

**THE GOD OF PHILOSOPHY.** By the Rev. Francis Aveling, D.D. London and Edinburgh: Sands & Co.; St. Louis: Herder. Demy 8vo, 3s. 6d. net.

THIS volume of about 200 pages, is one of a series of 'Expository Essays in Christian Philosophy,' edited by Dr. Aveling. It purports to give in a brief, popular form, the proofs that have been put forward during many centuries in the Catholic schools, for the existence of God. After four introductory chapters,—the most interesting and important in the book,—dealing respectively with some tendencies of modern thought, with certain first principles, with the method of demonstration, and with the fundamental distinction between possible and actual existence, the author devotes a chapter each to the exposition of the proofs which lead us respectively to the recognition of a Necessary Being, of a First Moving Power, of a First Cause, of a Creator of Life, of an Author of Harmony and Design, of an absolutely Perfect Being, and of a Supreme Lawgiver. Next follow some *confirmatory* arguments, physical and moral; and finally, a few chapters dealing with the unicity, the nature, and the personality of God.

The work undertaken in this volume is one of very considerable difficulty: to put those traditional arguments in such language that they will be at least understood and appreciated even if not accepted by intelligent and sincere inquirers whose minds have been moulded in other than Scholastic grooves of thought. And that the work is a useful and even a necessary one can hardly be denied; for although *non in dialectica complacuit Deo saluum facere populum suum*, still there are multitudes of anxious souls who would have their doubts dispelled by the wholesome intellectual food of solid arguments; and, moreover, if those traditional arguments are solid they cannot lose their validity by being presented in modern garb. We congratulate the author on his courage in undertaking the task.

Whether or to what extent his attempt is likely to prove successful we find it difficult to say, after a careful perusal of his book. It will undoubtedly stimulate inquiry, and direct it along proper lines; it will scarcely find a reader to whom some one or other of the arguments offered will not appeal with special force; but what we fear, as regards the individual argu-

ments, is that they will not be sufficiently intelligible to the ordinary non-Scholastic mind. They are, as far as we can see, a faithful rendering of the traditional Scholastic arguments; but the pre-suppositions on which they are based, and which although admitted without question in past ages, are nowadays freely questioned: these pre-suppositions are not analysed and vindicated, either in the introductory chapters or elsewhere in the volume, as fully as they need to be if the arguments based on them are to be made cogent. Such an analysis would probably outstep the limits and scope of the work under review. Yet it is a matter for regret that the author did not see his way to undertake it.

It is often said that more harm than good is done by putting forward, as valid proofs of the existence of God, proofs that are not really valid. Yet those who say so admit that the same proof will not appeal with the same force to all minds: that a proof which absolutely convinces one will leave another's doubt uninfluenced. Relying on the latter undeniable psychological fact, we should be in favour of putting forward, for what they are worth, and in the most convincing way possible, all the arguments that have at any time won the support of serious, earnest thinkers, even though they may have been rejected by equally serious and earnest thinkers as worthless. The proofs which establish the existence of God contain experimental as well as rational premisses: they are 'mixed' proofs, unlike the abstract proofs of mathematics. May not some human minds (to adopt the author's language, pages viii., ix., xi), acting normally, derive the conclusion that a God exists as the necessary outcome of a mental process based on certain unmistakable first principles and facts of observation, which mental process other minds, acting equally normally, may find themselves utterly unable either to assimilate or to appreciate? *De jure* philosophers, Catholic philosophers, have at all times made choice of those that pleased them, among the traditional arguments, rejecting those that did not appeal to them as invalid. And who will assert that their minds were not acting normally?

In Dr. Aveling's book 'the several demonstrations are urged as absolutely incontrovertible' (page ix.). Some of them, nevertheless, have failed in the past to appeal to some Catholic philosophers, and have been on that account—perhaps wrongly—rejected by them. It might be pleaded that, seeing how limited our minds are, even imperfect methods of reaching the truth are not to be despised, and as long as a method serves the practical purpose of bringing any of us to the truth, it ought not to be summarily rejected and condemned as universally

worthless and misleading by those who have found it wanting in their own case. Of course if we define a valid argument as one in which the conclusion is *logically* inferred from premisses that are *true*, then every argument must be either valid or invalid, and cannot be valid for some and invalid for others : just as every proposition must be either true or false, and cannot be true for some and false for others. In this sense, no doubt, 'after all is said and done, the demonstrations are invalid or they are not' (page 11). But when the author goes on to say that 'the conclusion drawn from them is either true or untrue,' he seems to pass to another conception of validity, to what might perhaps be called relative validity, or capability to convince this or that individual mind of the truth of the conclusion. 'If,' he adds, 'for any reason, one particular line of proof fails to convince, another may, perhaps, appeal with more direct force to the individual intelligence considering them all' (page 12).

Throughout the volume there are several points of interest to which only the limits of the present short notice prevent us from referring. The style of printing, binding, etc., is all that could be desired.

P. C.

**A COMPENDIUM OF CATECHETICAL INSTRUCTION.** Edited by the Rev. John Hagan, Vice-Rector, Irish College, Rome. Dublin, Belfast and Cork : Browne and Nolan. New York : Benziger Brothers.

FATHER HAGAN'S plan is to give us in monthly instalments three very valuable works : 1°. *The Course of Catechetical Instruction* by Father Angelo Raineri ; 2°. New translation of the *Roman Catechism*, or *Catechism of the Council of Trent* ; 3°. An English translation of the Catechism of Pope Pius X. He begins with the second part, and judging by the specimen before us we should say that his confidence is fully justified that the work will prove practical and useful to many priests in English-speaking countries. The language of the translation is admirable, the style natural and clear.

Father Raineri's work is well known and much appreciated in other countries, and we are sure it will be welcomed here also when presented in the judicious form it is to assume in the hands of Father Hagan. We are glad to bring the undertaking to the notice of our readers, and wish it God-speed.

J. F. H.

**BEATI PETRI CANISII, S.J.,** *Epistulae et Acta collegit et adnotationibus illustravit Otto Braunsberger.* Vol. II. (1556-1559); Vol. III. (1561-1562); Vol. IV. (1563-1565). Freiburg, Breisgau: Herder. Price, Vol. II. 28s.; Vol. III. 26s.; Vol. IV. 30s.

No man who has ever taken the trouble of studying the history of the Reformation period, and the services rendered by the Jesuit Society in counteracting the progress of the new movement in the German Empire, can fail to appreciate the influence of the Blessed Peter Canisius on the fortunes of the Church at this critical time. Born in 1521, he joined almost immediately after its inception the Jesuit Society, and was the founder of his Order in Germany and Austria. He was the friend of all the notable ecclesiastics of his period, of St. Ignatius, St. Francis Borgia, St. Philip Neri, St. Charles Borromeo, St. Francis of Sales, and St. Stanislaus Kostka. He was the adviser of the Pope during the period of what is commonly called the counter Reformation, and rendered them invaluable assistance in supplying them with reliable information on the progress of events beyond the Alps. Wherever there was danger, and at the time the danger signal had to be hoisted on many an outpost, there Canisius hastened to the rescue, and his very presence was sufficient to restore courage and confidence. Kings and emperors were amongst his friends and correspondents, and were proud of acquaintance with such a genuinely honest man. He was the pride of the Catholics of Germany in these troubled days, and, as a natural consequence, the man best hated by the warring sects.

It was, then, of special importance that the correspondence of such a man should see the light. Jansenn, the great historian of the German people, felt the want of such a publication, and ardently desired that some one should be found to undertake the work. He felt that it would throw a new light on many difficult questions in connexion with the Reformation struggle; that it would place before the public the attitude of the Popes towards the leaders in Germany, and the difficulties that had to be contended with both from within and from without. He felt, too, that it would enable us to understand more clearly the thoughts and feelings of the leaders on the other side, and enable us better to appreciate the numberless unsuccessful but courageous attempts towards a reunion.

The present work has been well edited. The letters have been quoted in full, and the references, which in themselves are sometimes a little unintelligible, have been carefully explained in

notes appended to the text. The volumes themselves are very large, containing between one thousand and twelve hundred pages but they have been arranged in such a way that the reader can find in a moment the references which he seeks. In the first place, an alphabetical list of the persons to whom letters were addressed is included, and besides each volume is provided with a perfect index of names and subjects.

For anyone, too, who is interested in the rise and spread and development of the Jesuit Society, the volumes before us are absolutely indispensable. The Blessed Canisius was in close correspondence with the leading founders of the Society, and his letters, too, serve to show the position which the Society held in different places, the difficulties they had to contend with, and the remedies which they judged it wise to apply.

Many references in the volume will have an interest, too, for those studying that period in Irish or English history. There are some accounts of Jesuits from Ireland at different places on the Continent, or of Jesuit missionaries sent into Ireland. Most of these have been already dealt with in the learned works of Father Hogan, dealing with the subject; but taken here, where the reader will find them in their general setting with reference to the position of Catholicity on the Continent, they will be better understood.

We congratulate the editor and the publisher on the work; and we hope that the other volumes will be soon forthcoming.

J. MACC.

**SERMONS.** By the Most Rev. Dr. Moriarty, Lord Bishop of Kerry. Dublin: M. H. Gill & Son, Ltd., 1906. 6s. net.

WE already expressed our opinion about the Sermons of Dr. Moriarty when they were first published in two volumes, by Dr. Coffey, some years ago. The opinion which we then expressed has evidently been endorsed by the Irish clergy generally, seeing that the first edition was exhausted in a few years. The present volume is a new edition of the principal sermons that had appeared in the first publication. The sermons are very varied, and will be found extremely suggestive and useful by all priests who have to preach through the year. A good and practical sermon-book is a very valuable companion for a priest on the mission. There are plenty of useless and indifferent ones on the market. Dr. Moriarty's sermons are admirably suited to the Irish temperament. They are substantial, learned, thoughtful, and at the same time clear and accessible to the intelligence of the average congregation. They are instinct with genuine piety, and inspired by the

deepest and most enlightened Christian faith. They show an acquaintance and familiarity with the Scriptures and a skill in their application that has seldom been surpassed ; and they present the great mysteries of religion in a noble and majestic form, worthy of their grandeur and dignity. We foresee for the new edition a still more rapid sale than that of the old one.

J. F. H.

ON RELIGIOUS WORSHIP AND SOME DEFECTS IN POPULAR DEVOTIONS. By Mgr. Bonomelli, Bishop of Cremona. With a Letter to the English Translator, R. E. London : Burns & Oates, 1906. Price 2s. 6d. net.

In the course of this Pastoral Letter, now translated into English, Mgr. Bonomelli, the well-known Bishop of Cremona, expounds the nature of religious worship, and establishes clearly the gradation to be observed in the honour we give to God, to the Blessed Virgin, and to the Saints. But there is also a negative side to the work, in which the Bishop criticises the tendency of certain modern devotions. I will confine myself here in the main, to what he says about the devotion to the Sacred Heart ; for from this the tendency of his observations on other subjects can be judged.

Needless to say the Bishop, like all Catholics, shares in the universal love for the Divine Heart of our Lord, which was the seat of so much love and pity for the human race—which embraced us all, however unworthy, in its limitless and all pervading love. But he has certain strictures to pass on what he regards as the extension of this beautiful devotion :—

‘ In speaking of Jesus Christ [he writes] and the devotion to the Sacred Heart of Jesus (so beautiful and so general a devotion throughout the Church) I cannot refrain from quoting a very outspoken page from the writings of a French Bishop now living, who is beyond all doubt one of the most gifted and illustrious members of the French episcopate. I myself would not have dared to write as he has done. Here are his words :—  
“ With regard to our Saviour Himself, why must we partition, change, disfigure Him, when all we ought to do is to listen to, imitate, adore, love Him? Not to speak of those strange images which represent Him to us almost in the act of pointing to a large symbolized Heart upon His Breast, is it not the truth that what that Heart was intended to say to us would be expressed much better by a simple gesture or look? And to quote but one example among a thousand, what would St. Paul think of the little Christ-Child of Prague, with its tiny garments of gold and its insignia of a future kingdom? With

what energy would he cry aloud that only one thing was needful for us to study—Jesus Christ and Jesus Christ Crucified! I am aware that all these devotional practices may be explained and supported by theology and the most exacting orthodoxy, but are they of any practical use in our generation? *Omnia mihi licent*, said St. Paul, *sed non omnia expediunt.*”

And then Mgr. Bonomelli continues: ‘There is one Christ, one only and complete, and the various members of His adorable Body, only as they are united to it, and, therefore, in personal union with the divine Word may be and *ought* to be worshipped, because the worship refers to the Person in which they coexist. But it is not desirable to encourage too strongly this tendency to consider separately the parts of the Divine Humanity; and when I see that in addition to the devotion to the Sacred Heart of Jesus, to His Blood, to His Wounds (all recognized devotions of the Church) it is sought to introduce also the devotion to ‘His Sacred Hands,’ ‘His Holy Face,’ etc., I experience a feeling of aversion lest a certain fashion for new devotions should make its way into the Church, of which we have not the slightest need, and which by degrees might bring things to the point of rendering almost a subject of ridicule the devotions to Jesus Christ Himself.’

The Bishop is greatly distressed at the spread in Italy of all sorts of petty devotions which do more harm than good to religion in his opinion, and are out of all harmony with the spirit of primitive simplicity which distinguished the early ages of the Church. To the spirit and practice of these ages he exhorts his clergy to return.

J. F. H.

STUDIES IN IRISH HISTORY, 1603-1649. Being a course of Lectures delivered before the Irish Literary Society of London. Edited by R. Barry O’Brien. Dublin, Belfast, and Cork: Browne & Nolan, Ltd. Price 3s. 6d. net.

THE late Archbishop Croke once observed that he found Irish history a very dreary and disheartening study, that it was all made up of petty quarrels, treacheries, divisions, and selfish ambitions. He preferred on the whole to look to the future rather than to the past, and to ‘make history’ rather than to read it. It would look, indeed, as if some fateful destiny were pursuing the Irish people, dashing the cup of liberty from their lips at the moments when they thought it had at last been secured. If you only resist the Celt long enough, said Lord Salisbury, he will break up into factions. So it has

been, unfortunately, all through our history, and things that are happening at the present day do not seem to indicate that we have yet fully learned the principle lesson that our history teaches us. A prominent Irishman once remarked to the present writer that there was a very expressive word in Irish which marked the nature of our adverse fate. It is the *Míad*. The *Míad* has followed us with unsparing hand through many centuries, and there are indications enough that we are still under its sway, and forced by our own nature to remain its unwilling victims.

In spite, however, of the depressing and disheartening effect of much that is to be read in the annals of our country, there is one inspiring lesson that comes forth from it all. It tells us that the struggle for liberty has been maintained through good and evil report, whatever may have been its failings, that its spirit is immortal, and that no cause that has survived so many difficulties can fail to be successful in the end. In the course of that age-long struggle certain great land-marks stand out, and it is well that these should be known and familiar to all those who have not lost hope. Some of these land-marks are brought vividly before us in the volume just published by Mr. Barry O'Brien.

The 'Plantation of Ulster,' the rule of Strafford, the so-called *Graces* of Charles I, the Rebellion of 1641, the 'Confederation of Kilkenny,' are events in Irish history with which, for good or ill, it behoves all Irishmen to make themselves acquainted, and it must be said that they are presented in these lectures in a style and form perfectly suited to their purpose. I understand that some of the gentlemen who are responsible for these papers are Protestants, but I desire to bear testimony to the fair, impartial, and even kindly tone displayed by them towards Catholics. There is no effort at fine writing or any pretension to stir up political passion manifest in any of the lectures. They are for the most part matter-of-fact statements of facts, a recital of events which is allowed to speak for itself, and is based on the most trustworthy information that State papers and historians supply. The period covered by these papers has, no doubt, its fair share of the general features of Irish history to which we referred. One sickens very quickly of the disputes of the O'Kanes and the O'Dohertys, the Butlers and the Burkes, the Maguinnesses and Maguires, the O'Briens and MacCarthys. Only so much of it, however, is served up here as can be easily assimilated; and this is wise. I congratulate the lecturers and the editor on their success, and wish the book a good sale.

J. F. H.

"*Ut Christiani ita et Romani sitis.*"—"As you are children of Christ, so be you children of Rome."  
(*Ex Dictis S. Patricii, in Libro Armacano, fol. 9.*)

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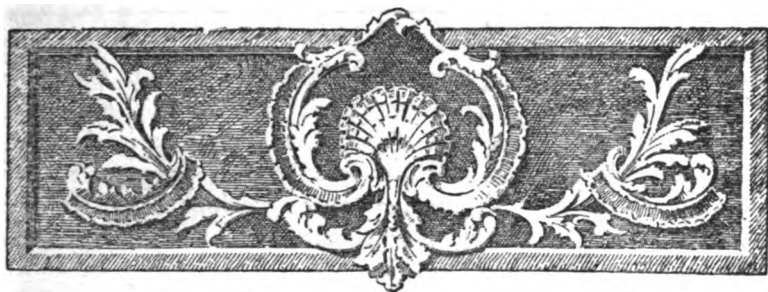
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## THEOLOGICAL ASPECT OF A TOTAL ABSTINENCE PLEDGE

**A**NYONE with a slight experience of missionary work, will readily admit the truth of the statement that a great deal of confusion exists in the minds of the ordinary faithful with regard to the obligations of a Total Abstinence Pledge. While some are firmly convinced that a Pledge, in all cases, imposes a grave obligation in conscience, others are in a state of doubt and uncertainty as to the exact nature of the obligations they have assumed. One result of this unsettled state of thought is trouble for the confessor in the tribunal of Penance. In addition to the difficulty he experiences in forming a correct judgment as to the state of conscience of many who have, unfortunately, violated their Pledge, he finds himself in a dilemma when he comes to decide on the attitude he should adopt towards those whom he perceives to be in error as to their obligation. While conscious of the difficulty of allowing them to continue to be governed by the dictates of a false conscience, he is deterred from disturbing their convictions, or dispelling their doubts, through fear lest their possession of fuller knowledge should rob the Pledge of all value, and render fruitless the Temperance crusade.

These difficulties beset many a hard-working confessor. In fact, owing to the rapid spread of the Total Abstinence movement through the country, the difficulties have become

so common of late, that a solution of them is a matter of urgent practical importance. With the object, then, of arriving at certain principles that can be easily applied to the solution of all the difficulties likely to arise in connexion with a Total Abstinence Pledge, I purpose, in this paper, to seek to determine the obligations of a Pledge, and the duty of a confessor towards those whom he finds ignorant of these obligations.

### I.

Before proceeding to deal with the first subject of inquiry, I think it right to point out that, as the question has not, so far as I know, been treated by any author of note, what I am about to say regarding the obligations connected with a Total Abstinence Pledge is necessarily of a purely tentative character, and carries no weight beyond what attaches to the reasoning employed. No one will be more ready than I to admit that the reasoning may be faulty, or to acknowledge indebtedness to anyone who succeeds in throwing greater light on the subject.

The first part, then, of our inquiry, has reference to the obligations of a Total Abstinence Pledge. Now as the obligations connected with a Pledge may, conceivably, be either direct or indirect, i.e., may be imposed by the Pledge itself, or spring from some other source, it will, I think, contribute to clearness of treatment to keep these two classes of obligation, as far as possible, distinct, and to direct our efforts chiefly towards determining the direct obligations. For this purpose it will be convenient to propose the question to be considered under this form : Does a Total Abstinence Pledge of its own nature impose any direct obligation in conscience ?

To answer this question satisfactorily two things have to be considered. One is the meaning to be attached to the formula of words by which the person taking the Pledge expresses his determination to avoid intoxicating drink ; the other is the intention by which he is animated while using this formula. If the words employed have, either

of their nature, or from usage, only one definite meaning, the presumption is that the person employing them intends that meaning. Everyone is presumed to intend what his words necessarily convey. Presumptions, however, especially in the *forum conscientiae*, cannot stand against facts, and hence one must take account of ignorance, error, or an explicit intention contrary to that implied in the words used, when determining the meaning actually intended in a concrete case. The intention of the agent is an element of even greater importance in determining the actual meaning, when the words employed are capable of more than one signification.

Abstracting, for the present, from the question of intention, let us first try to determine whether the words by which a Total Abstinence Pledge is administered, have, either of their own nature, or from the circumstances in which they are used, one distinct definite meaning. The formula of the Pledge is not always couched in the same terms. Sometimes the really important words are: 'I promise to abstain,' etc.; sometimes, 'I promise to you,' i.e., the priest, or 'I promise to the League of St. Patrick, of the Cross,' etc.; or again they are simply, 'I will abstain,' as in the *Heroic Offering*. Some are inclined to attach importance to these varieties of expression, and to determine the obligation in conformity with the more obvious meaning of the language used.<sup>1</sup> The variations, however, do not seem to me to be more than accidental. For since the word *promise* may be interpreted in a loose sense as well as strictly, it is plain that the language of all these forms, considered in itself, and apart from the determination which circumstances or universal custom may have given to it, may be regarded as implying either a serious purpose of avoiding intoxicating drink, or a strict promise of doing so.

The difference between these two things—a mere purpose of doing or avoiding something, and a strict promise of the same—is well known, and needs no detailed

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<sup>1</sup> See I. E. RECORD, May, 1883.

exposition. As, however, it has an important bearing on the main question we are discussing, it may be well to point out the chief difference between a purpose and a strict promise. This difference is well expressed by Lugo in the following passage :—

Propositum etiam exterius expressum solum est voluntas praesens aliquid postea faciendi, nulla sibi ad hoc *nova obligatione* imposita : unde licet alioquin propositum sit de re aliunde sub peccato debita, quale est propositum non peccandi, quod poenitens in confessione habet, non tamen affert obligationem novam quia proponens *non intendit sibi aliquam aliam turpitudinem adjicere contra aliquam virtutem*, si propositum non observet. Promittens vero non solum explicat propositum faciendi, *sed intendit se aliquo modo ligare*, ita ut, si propositum non observet, id opponatur contra aliquam virtutem, sive fidelitatis sive justitiae. . . . Dixi autem proponentem non intendere sibi novam obligationem imponere : non enim nego, quod ex ipsa violatione propositi boni consequi possit aliqua turpitudine, nam qui *repetito et firmiter* proponit circa aliquod bonum faciendum, vel peccatum vitandum, si facile deficiat, negari non potest quod contrahet novam turpitudinem inconstantiae, quae inconstantia in bono suscepto reprehensibilis est. . . . Hanc tamen inconstantiam *non intendit* sibi injicere qui proponit, si deficiat ; sed consequitur ex natura rei etiam praeter et contra ejus intentionem. Promissio vero affert obligationem et turpitudinem, ad quam promittens *vult se obligare* si a promissione deficiat, per quod differt maxime a simplici proposito.<sup>1</sup>

From this very clear exposition it will be noticed that the difference between a purpose and a strict promise does not consist in this, that he who promises is bound in conscience to do what he promises, whereas he who merely purposes is not bound in conscience to carry out his resolutions. This would not be at all true. He who merely purposes may be bound in conscience to do what he resolves, and will be always bound when his resolution regards something that is already of precept. Hence the main difference is that a strict promise always implies a *new obligation*, and, therefore, superadds an obligation, usually specifically different, to those already in existence, if there

<sup>1</sup> *De Just.*, Disp. 23, § 1. no. 1-2.

is question of something that is already of precept, and induces a strict obligation in regard to those things that, antecedent to the promise, were merely of counsel; a mere purpose, on the contrary, does not involve any new obligation, and, hence, in regard to the number and quality of obligations, things remain as they were antecedent to the purpose. If what one resolves to do were, previously, only of counsel, it remains, after the resolution, only of counsel; if it were already of obligation, the number of obligations is not increased, nor is their quality changed. From which this important conclusion follows, that from a mere purpose no direct obligation ensues. Hence if a Total Abstinence Pledge is to be regarded merely as a serious purpose of avoiding intoxicating drink, and not as a strict promise, it will not, in any case, impose a direct obligation in conscience, and where an obligation to observe it exists, as undoubtedly in certain cases it does, the source of this obligation must be sought elsewhere than in the Pledge itself.

Another important point should not be overlooked in this passage from Lugo, as it serves to illustrate, to some extent, the indirect obligations of a Pledge. Though a purpose does not impose any new obligation, it does not follow that it can be violated without sin. This is manifest where its object is already of precept, though the sin in this case comes not so much from the violation of the purpose, as from breaking a precept binding independently of any purpose. However, the violation of a purpose may be a sin, even when the matter is not of precept, but only of counsel, as Lugo is careful to note. He who easily breaks a resolution often and firmly made, is guilty of a sin of inconstancy, although he did not intend to bind himself in constancy to carry out his resolution. The sin follows from the very nature of the case, quite independently of any intention to the contrary, provided as a matter of fact, one is inconstant in carrying out one's resolutions.

It is scarcely necessary to add that other sins, usually, however, only venial, may be committed, and very frequently are committed in breaking our good resolutions.

The motives inducing us to violate them, the circumstances in which they are broken, may be, and often are, sources of sins of human respect, pride, vanity, scandal, etc.

It is sufficiently clear from what has been so far stated that if the language of the formula of a Total Abstinence Pledge be taken to signify merely an earnest purpose of avoiding intoxicating drink, the Pledge does not impose any new obligation, and hence one is in the same position, so far as regards a strict obligation of avoiding drink, as if one had taken no Pledge. The words, however, considered in themselves, may mean a strict promise, and therefore a new obligation. What, in this hypothesis, would be the nature of this obligation? A gratuitous promise may be made to God or to men. If made to God it is a vow, provided the object is pleasing to God, and the other conditions necessary for a vow are fulfilled. If made to men, and accepted by them, it binds either in justice or fidelity.

It is manifest that a Total Abstinence Pledge does not bind in justice. In certain circumstances a man may be bound in justice to curtail his drink bill, in order to be able to meet his liabilities towards his creditors, or towards his family, but such an obligation does not arise from the Pledge.

It seems also clear that a Pledge is not a vow. I do not at all wish to deny that a person who knows the obligations and nature of a vow, cannot validly, and sometimes, though perhaps very rarely, may not laudably bind himself by vow to abstain for a short time, or even for life, from intoxicating drink. If such a vow were taken, it would depend, of course, on the intention of the person making it whether the obligation should be regarded as grave or venial. Since the matter of the vow would be manifestly grave, it would be plainly competent for the person making it to take upon himself a grave or a venial obligation. On the hypothesis that a grave obligation was assumed a rather troublesome question would arise, in case of violation, as to the amount of intoxicating drink that would constitute a grave sin. This, however, so far as regards our present inquiry, is a purely speculative

question. For a Pledge is not a vow, and it would only introduce endless confusion to treat it as such. This I regard as certain. The words sometimes used in administering a Pledge may indeed be such as might signify a promise made to God. The meaning of a formula of words is not, however, to be determined by purely grammatical considerations, but chiefly by the signification attached to it by the common opinion of men. Now, a Total Abstinence Pledge is not a thing of to-day or yesterday. It is an instrument for the promotion of Temperance now so long in use as to have attained a venerable age. It has, then, surely acquired a fixed definite meaning, which cannot be changed at the caprice of any individual in the community. Now, whatever else may be doubtful as to its meaning, one thing is clear, that it is not a vow. The fact that the Pledge is administered indiscriminately, at one and the same time, to large bodies of men of various needs and degrees of intelligence, and still more the fact that it is used as a remedy for the reclamation of habitual drunkards to whom it would be altogether wrong to permit a vow, make it manifest that no sensible person looks upon the Pledge as a vow. Indeed, if argument on a point so clear were needed, very conclusive evidence could be had from the unequivocal statement made regarding the *Heroic Offering*. If any Pledge could be considered a vow, the *Heroic Offering* should have highest claim. Yet in the little *Handbook of the Maynooth Branch of the Pioneer Association*, on page 10, it is clearly stated :—

The Pledge of the Association is not a vow. It is the solemn expression of a sincere and serious purpose to follow out a line of conduct that is in itself not of precept, but of counsel.

While then it is clear that a Pledge is not a vow, it is of some practical importance to keep this fact in mind when we come to the solution of certain practical cases that have their origin in the imprudent zeal of somewhat thoughtless, and perhaps badly informed Temperance advocates.

The obligation arising from the Pledge, if it be regarded as a strict promise, not being one of justice, nor yet one of religion, can be, at most, one only of fidelity. Now an obligation of fidelity is only venial as Lugo, voicing the common opinion, teaches :—

Deceptio in promissis absque alio detrimento non videtur continere malitiam gravem ; nullum enim detrimentum inferitur proximo, nec ullum ejus violatur jus, sed solum promittens reddit se indignum cui homines possint fidere : ergo promissio ex sola fidelitate non obligat per se loquendo sub peccato mortali nisi aliud detrimentum promissario<sup>1</sup> inferatur ex fide non servata.<sup>1</sup>

While, considered in themselves, the words, by which a Total Abstinence Pledge is administered, may signify either a serious purpose of avoiding intoxicating drink, or a strict promise of fidelity, the practical question still remains : Does the Pledge, of its own nature, imply even an obligation of fidelity ? The answer to this question is not obvious. Since the words of a Pledge, considered in themselves, are capable of a two-fold signification, we must, first of all, ask whether a more definite sense is attached to them by the common estimation of men. But here we have not very clear guidance. There can be no doubt that, as a general rule, the ordinary faithful would seem to regard the Pledge as imposing an obligation in conscience, though their ideas on the question are rather obscure and muddled. But it may be reasonably objected that this persuasion of the people, in so far as it exists, springs from ignorance and therefore cannot serve as a criterion for determining the meaning of the Pledge. What we should look to is the view of experts, of the leaders in the Temperance movement. As far as I know, the common view of the clergy is that the Pledge is not a strict promise imposing a new obligation in conscience, but simply a solemn expression of a serious purpose of avoiding intoxicating drink. On the other hand the form of Total Abstinence Pledge known as the *Heroic Offering* seems to

<sup>1</sup> *De Just.*, Disp. 23, n. 72.

be treated in the Brief of Indulgences granted by our Holy Father Pius X to the Pioneer Total Abstinence Association of the Sacred Heart, as a strict promise. Thus, for example, a Plenary Indulgence at the hour of death is granted to 'all members who . . . shall have faithfully observed their *promise* of Total Abstinence;' and an Indulgence of 100 days to promoters 'as often as they recite, with contrite hearts, the words of their *Promise of Fidelity* commonly known as the *Heroic Offering*.'<sup>1</sup> Again in the May number of I. E. RECORD for 1883, in answer to certain queries on the obligation of the Pledge, the Editor maintained that where the form used was, 'I promise to you,' i.e., the priest, a direct obligation of fidelity arose.

Personally I am inclined to regard a Total Abstinence Pledge simply as a solemn and very formal expression of a serious purpose to avoid intoxicating drink, bringing with it no new and therefore no direct obligation in conscience. Since, however, a personal opinion of this kind cannot give a definite objective meaning to words in themselves obscure, as long as this obscurity and this indefiniteness last, to know in a particular case whether an obligation has been assumed or not, recourse must be had to the intention of the person taking the Pledge. Since the words used, both in themselves and as commonly understood, are capable of a two-fold meaning it will depend on one's intention in what sense one uses them. While wishing ~~merely~~ to take the Pledge, it will be competent for one to assume an obligation of fidelity or simply to make a resolution. In case there is no clear evidence as to what the intention was, the doubt must be given in favour of the person taking the Pledge, and he must be treated as having taken no new obligation on himself.

What has been said will help towards a solution of two cases of more than ordinary difficulty. The first is where the person about to take the Pledge is expressly told that he can bind himself under pain of grave sin, or assume no obligation according to his own wishes, and he

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<sup>1</sup> See I. E. RECORD, December, 1906, p. 568.

is strongly advised and urged to assume a grave obligation on the ground that he will be more likely to remain faithful to his Pledge, if he feels that he cannot violate it without grave sin. Enthusiasm exercises a potent spell over his imagination, the hard realities of life, the temptations to which he will afterwards be exposed, are as yet things hidden and unknown, or for the moment forgotten ; generous impulse is knocking at his heart, he yields to the persuasive eloquence of his spiritual guide, and takes upon himself, or intends to take, a grave obligation to abstain for life from all intoxicating drink. A few years roll by. He is no longer in the hot-house, but amid the stern realities of life, surrounded, it may be, by companions who bring eloquence of a different order to bear on him, and being of a flexible disposition he yields himself an easy prey to the allurements of temptation. Soon, however, repentance leads him to the knee of the confessor. On hearing his story conflicting emotions begin to struggle for mastery in the confessor's bosom. Admiration for the self-sacrificing generosity of earlier days is mingled with pity for the weakness of human resolve, and a deep sympathy for one whose soul has been needlessly and foolishly exposed to spiritual ruin, while overshadowing and obscuring all other feelings sits wonder-gazing with astonished and dazed mien on the spiritual guide whose lips should have guarded knowledge, yet uttered but imprudence and folly. But feelings, however legitimate, must give place to the cool deliberations of reason for the future safe-guarding of his penitent, and the question at once presents itself for solution : What is his position ? Is he bound under pain of grave sin to keep his Pledge ? It is not necessary to say that as long as conviction of his obligation lasts, he will be guilty of grave sin in violating it. Is, however, this conviction true ? I take it as granted that he had no intention of making a vow, but wished, merely, to take the Pledge. I assume, also, that he is not one of those for whom the Pledge is a means morally necessary to avoid grave sins of intemperance, or other grave sins. These assumptions being granted, notwithstanding the fact that he intended

to bind himself under pain of grave sin, that he tried to do so and believed he was doing so, he has, at most, taken on himself a venial obligation of fidelity. For the Pledge is not a vow. It is either simply, a resolution imposing no new obligation in conscience, or, at most, a strict promise of fidelity, and as such binding only under pain of venial sin. Just, then, as in the case of a vow, where the object promised to God is only small or slight, a person cannot, notwithstanding any intention or effort to the contrary, take upon himself a grave obligation, though he may erroneously think he has assumed such an obligation, so here, also, as long as a person intends merely to take a Pledge, and therefore to assume, at most, an obligation of fidelity, it is not competent for him to make the obligation grave, however much he may intend to do so.

The second case is of more frequent occurrence though of less difficulty. It occurs where the person taking the Pledge is under the impression that it imposes a grave obligation, or it may be that he is doubtful, or becomes doubtful in the course of time as to the obligation he has assumed. Again, it is clear that so long as persuasion or doubt of a grave obligation lasts, the person is bound under pain of grave sin to avoid intoxicating drink. The important point, however, is to determine the objective obligation. In this case, at least as a general rule, there is no express intention of assuming a grave obligation, but, through error or ignorance, a persuasion or a doubt exists that such an obligation has been contracted. The error or ignorance is what is called concomitant. The person would take the Pledge whether it imposed a grave obligation or not, and presumably more willingly if he thought it did not bring with it so serious a responsibility. His predominant intention, then, is to take the Pledge as others take it, i.e., with whatever obligations it imposes. Now, since the mildest interpretation is that a Pledge *per se* does not impose any new obligation, he can, when he comes to know of it, avail himself of this view, and regard himself as under no new strict obligation.

There is one case in which it is usually said, and with

sufficient accuracy for all practical purposes, that the Pledge imposes a grave obligation. The case is where the Pledge is a means morally necessary to avoid grave sin against Temperance, or the many other grave sins that usually accompany habits of excessive drinking. Where one is so addicted to intemperance that to touch intoxicating drink at all is a proximate occasion of mortal sin, one is plainly bound by the natural law to avoid this occasion of sin, and, therefore, not to touch intoxicating drink. If such a one takes a Pledge as a means of escaping this danger, whether the Pledge be regarded as a mere purpose or a strict promise of fidelity, it is manifest that there is a grave obligation not to violate it. One cannot break it without taking intoxicating drink, but, on the hypothesis made, the taking of drink is for such a one a proximate occasion of mortal sin, which he is bound under pain of grave sin to avoid. This grave obligation, however, is not imposed directly by the Pledge, but arises either from the virtue of Temperance, or from the other virtues against which grave sins are committed when drink is taken to excess. The Pledge superadds, at most, a venial obligation of fidelity.

Apart from the case where the Pledge is a morally necessary means of avoiding grave sin, the indirect obligation does not seem to be more than venial, if any strict obligation at all of avoiding intoxicating drink in moderation should, perchance, exist. It is only in exceptional circumstances, namely, where the taking of drink in moderation is a remote occasion of sin, that the natural law imposes even a venial obligation of not exposing oneself without cause to this remote danger.

## II.

Having determined the obligations coming from or connected with a Total Abstinence Pledge, we are now in a position to consider the question of the confessor's duty towards those whom he finds in ignorance or error with regard to them. The difficulty that seems to give most trouble, concerns the attitude he should adopt towards

those who, while not bound *sub gravi* to avoid intoxicating drink, are perceived to be under the impression that the Pledge imposes a grave obligation, and, consequently, are guilty of grave subjective sin by violating it. Many confessors in dealing with penitents of this class find themselves on the horns of a dilemma. Their position can, perhaps, be best stated in the words of a distinguished correspondent : —

It is evident from the way some people accuse themselves of breaking the Pledge that they consider this breaking a more terrible thing than a grave sin of drunkenness. There is an obvious difficulty in letting them go away with a false conscience, and there is the other difficulty of undermining the effect of the Temperance crusade by allowing it to go abroad that it is no sin to break the Pledge.

Serious as this difficulty seems to many, a little consideration will be sufficient to show that only one solution of it is possible. The principle of the solution may be enunciated as follows: *It is the confessor's clear and certain duty to set right those whom he perceives to be committing formal sin through an erroneous conscience.*

As this principle is of great and far-reaching importance, and strikes at the very root of the difficulty with which we are dealing, it will not be considered superfluous to establish it at some length. It will be manifest from the following passages, extracted from the works of a few well-known authors, that the principle embodies the clear and unmistakable teaching of theologians. Let us begin with the teaching of Lehmkuhl. In his well-known work on Moral Theology, he writes as follows :—

*Semper instrui debet poenitens, si ex erronea conscientia aliquid habet pro peccato aut pro graviore peccato, quod peccatum aut grave peccatum non sit. Imo adeo verum est, tum instructionem esse faciendam, ut omittenda non sit, etsi forte ausam det, longe saepius veniale peccatum perpetrandi, quod antea cum conscientia mortalis peccati, at longe rarius fiebat. Attende vero, ne, quod in se peccatum veniale est, ex circumstantiis scandali, periculi, etc., pro poenitente fortasse sit mortale.*<sup>1</sup>

<sup>1</sup> *Theol. Mor.*, vol. ii., no. 444, par. 7. See also vol. i., no. 445, 2 ; no. 789, 3.

I have taken the liberty of italicising the sentence beginning with 'imo adeo,' as it bears directly on the difficulty under consideration.

Ballerini, in his notes to Gury, had already expressed the same view with equal clearness. He makes this statement in one of his notes : ' Non praetermittenda hypothesis est poenitentis, qui se obligatum credit, ubi obligatio nulla est, aut etiam gravem obligationem ibi inesse putat, ubi levis tantummodo inest. *Haec ignorantia, utpote semper noxia, semper auferenda est.*'<sup>1</sup> The italics again are mine.

To the same effect Noldin writes : ' Monendi sunt poenitentes, qui *ex conscientia erronea* putant esse peccatum, quod peccatum non est ; aut esse mortale, quod veniale est ; haec enim ignorantia eis nociva est quia in periculo manent formaliter peccandi.'<sup>2</sup>

One more quotation will suffice to indicate the express teaching of theologians. I take it from Tanqueray :—

Si poenitens ex erronea conscientia *judicet aliquid esse peccatum quod revera non est tale, aut grave quod de facto leve est*, de hoc errore monendus est, quum sit ipsi nocivus ; nam formaliter gravia peccata committit. Quod verum est etiamsi praevideatur eum, forsan, ex hac monitione, saepius commissurum peccata venialia.<sup>3</sup>

The doctrine thus expressly and clearly laid down by these authors, is, at least implicitly taught by all writers on Moral Theology. According to them all, one of the offices the confessor holds towards his penitent in the sacramental tribunal is that of teacher, and in the discharge of the duties of this office it is incumbent on him to admonish penitents of obligations of which he perceives them ignorant. Where the ignorance of the penitent is vincible and culpable, admonition must always be given even when amendment cannot be hoped for. Where, on the contrary, the ignorance is invincible, the guiding principle for the confessor is the spiritual welfare of the penitent.

<sup>1</sup> Gury-Ballerini, vol. ii., no. 611, note (b).

<sup>2</sup> *Theol. Mor.*, vol. iii., no. 400, 1.

<sup>3</sup> *Theol. Mor., De Poenit.*, no. 306 (a).

If, then, he can reasonably hope that admonition will have the effect of securing the discharge by the penitent in the future, of those obligations of which he was previously ignorant, it is his duty to admonish him and point out to him his obligations. If, on the other hand, all things considered, he must reasonably fear that his warnings and instructions will fall on deaf ears, and that consequently the only result of his action will be to change material sins to formal, prudence dictates to him silence, except in certain cases that have no bearing on the present inquiry.

Now, if one asks why should the confessor disturb the *bona fides* of his penitent and make clear to him obligations of which he was previously, and may long remain wholly ignorant, when a reasonable hope exists that the penitent, if told of his duty, will faithfully discharge it, the only answer that can be given, and the only one actually given by theologians, is that the confessor is bound to prevent the continued commission of even material sins, if he can do so without spiritual injury to his penitent. The confessor, in other words, holds the place of an intermediary between God and the sinner, and as he is bound, on the one hand, to labour to the best of his ability to secure the reconciliation of the sinner to God ; so, on the other is he also bound to safeguard the Divine rights and to secure the observance of God's law, if he can do so without destroying or seriously imperilling friendship between God and the penitent.

Now, if the confessor must try to prevent, as far as possible, the multiplication of material sins, is it not manifest that he must leave no means untried to prevent the future commission of formal sins ? There can be no comparison between the evil of formal and that of material sin. Formal and material sins belong to different categories of evil. They have nothing in common. Material sin, in a certain sense, is no evil at all, nor does it offend God. Formal grave sin is the greatest evil which the mind of man can conceive, whether it be considered in its relation to God as an evil and offence to Him, or in reference to man whom it robs of God's friendship and exposes at every

instant to eternal wrath. So great an evil is it, that the sacrament of Penance was instituted to destroy it when contracted after Baptism, and prevent, as far as possible, its future occurrence. Hence the position and the whole duty of the confessor may be summed up by saying that he must free the soul of his penitent from the mortal sins it has contracted, and safeguard it for the future against danger of relapse.

Furthermore, the only reason why the confessor must abstain from pointing out obligations to a penitent invincibly ignorant of them, when good results cannot be hoped for, is lest he may thereby change material sins to formal. Two evils in this case present themselves to his mind, and reason demands that of two evils the less be permitted to prevent the greater.

Let us now apply the principle thus established, to the case of those who sin gravely by violation of a Total Abstinence Pledge, because they are under the impression that the Pledge binds under pain of grave sin. From what has been said regarding the binding force of the Pledge, it is clear that, it either imposes no direct obligation or at most a venial one of fidelity. Furthermore, the indirect obligation, if any, is only venial, except where the Pledge is a means morally necessary for the avoidance of grave sin, whether against Temperance or against some other virtue. The problem, therefore, before the confessor is the very simple one of a choice between formal mortal sin and venial sin, or, it may be, no sin at all. The answer to this problem is manifest. Apart altogether from the express teaching of theologians already referred to, since no number of venial sins can ever equal, or can ever be compared to the evil of one formal mortal sin, the less evil must be chosen if the penitent cannot be induced by the many motives for fidelity that can be put before him to remain faithful to his Pledge. If it needs must be that he break it, the confessor must secure at all events that he will break it with the least evil to his soul; he must make plain to him the truth, and save him at least from the greatest evil that can befall a human soul—the commission of formal mortal sin. One

will have less difficulty in seeing clearly where the path of duty lies, when it is remembered that a responsibility of such tremendous import, as to make even the most courageous tremble, is assumed by the confessor who allows a penitent to leave the tribunal under the impression that a grave obligation is upon him to remain faithful to his Pledge, and at the same time with the probability, amounting sometimes to moral certainty, that he will break it. The responsibility is no less than accountability for the insult and offence offered to God, and perchance for the eternal salvation of a human soul. The penitent may fall again, and before the confessor can again see him he may be beyond the reach of human aid. No one, I am sure, will lightly take upon himself the responsibility of allowing a human soul to be lost eternally through not doing something that is, at best, not a matter of precept at all, but only of counsel, when by a single breath he may dispel the clouds of ignorance that darken that soul, and avert the danger of its falling blindly into the eternal abyss.

One may not allow the fear of undermining the effect of the Temperance crusade to warp one's judgment. Even were this fear well founded, still it would not be permissible to do evil that good may follow. Now, if the confessor were to remain silent through fear lest knowledge of the truth would destroy all reverence for the Pledge in the mind of his penitent, he would be trying to safeguard the penitent from the commission, at the most, of venial sin by allowing him to commit mortal. The position is so unreasonable that it requires but to be stated to see that it is untenable.

I refuse, however, to believe that the danger to the cause of Temperance from making known the truth is as serious as many seem to imagine. The Temperance crusade does not rest for its success on concealment of the truth. The leaders of the movement would, I am certain, be the first to disown a cause that owed its advancement to the ignorance of the populace. Unless I am utterly mistaken they regard this ignorance as their worst enemy, and they base their hopes for a sober and prosperous Ireland

on the progressive enlightenment of the people. To hasten the realization of a condition which they regard as specially favourable to their movement, is the object of the many pamphlets, lectures, and sermons that bear continual testimony to the persistence of their efforts in a noble cause. Let no one dishonour that cause by seeking to secure a doubtful temporary gain at the sacrifice of principles that must ever remain sacred.

P. M'KENNA.

## EVOLUTION OF CULTURE—II.

## DEVELOPMENT UNAIDED FROM WITHOUT

## I.

**C**OULD primitive man, as conceived by Materialists, left to himself, develop a civilization? I do not consider it necessary to say more than a word on this aspect of the question. When we try to picture to ourselves the state of the first human beings, according to the Materialists' notion, it is inconceivable how they could develop a civilization which includes morality, religion, and law. Remember, they have not, as yet, any notion whatever of truth, or morals, or God; they have no idea of what they are, why they are here, whence they came, or whither they tend. For them there is no right or wrong, no obligation, no God, no law, no order; they are just above the brute, but only in a slightly further evolved organism. Yet we are asked to believe that these are the originators of a civilization whose progress is marked by the triumphs, each in his own way, of Raphael and Angelo, Newton, Marconi, Curie, Aristotle, Anselm, and Thomas, Confucius, Mohammed, and Christ!

From such a state of utter destitution neither material nor ethical and religious progress could be possible. How could material progress go on among beings who have no notion of right and wrong, law and order, rights and obligations? Take the very first step in the development, the division of property. Taking human nature as we know it, communism is hopelessly impracticable. Society could not exist unless every man had his own, and every one was bound to respect another's right. Communism means a fight for existence in the truest sense. But what can the division of property mean where men recognize no rights, no law, no order of any kind? There is no

meaning in a man becoming owner of property if other men are not bound to respect his ownership, and how can they be bound if no such thing as obligation exists? You may say that men would come to see the necessity of recognizing the rights of others, else human society would be impossible. Human nature, as I know it, would take the latter alternative. The good of society is a motive which would have very little weight with men who know no higher good; it is a motive which influences very few in this world. Material progress all round is simply impossible without morality, and an authority to enforce its observance. If human life and property have no other safeguard than the good-will of individuals, the rights arising from them will be observed just as long as it suits the individuals, but no longer. Society could not *begin*, much less develop, unless its members recognised some order already established, and unless they recognized, moreover, that that order was backed up by authority able to enforce its observance by punishing its violations.

And how could ethics be merely the creation of the human fancy? If men were pure spirits there might be some reason for saying they would develop an ethical code if none as yet existed; but man as we know him would certainly not, of his own accord, go to the trouble of restricting his liberty, even though it were to ensure the good of the race. Human nature is very impatient of the restrictions enforced on it from without; it is ever trying to break the bonds which hamper its liberty, to shift or shirk obligation on any pretext; concupiscence in all its various forms is merely strengthened by being coerced; as we know from our own experience, and on the authority of St. Paul, it is stirred up to resistance by the irritation of law and obligation. It is all very well to go theorizing about what man did and could do, when left to his own resources; it sounds very well to talk about altruism and the good of the race, but if I know anything of human nature, prison bars, the hangman's rope, and the pains of hell are far more effective motives for the regulation of human conduct than any utilitarian principles whatsoever can

supply. If in society already established order is preserved principally, or perhaps solely, by the terror of the punishments to be inflicted for its violation, it is difficult to see that men would bind themselves to that order merely for the sake of its utility.

In the condition of the race at the beginning, on the materialist hypothesis, would it not be more in accordance with their state for men to give free rein to every passion, to satisfy every selfish desire, no matter by what means, for, *ex hypothesi*, no means would be unlawful? And would it not be more in accordance with man's animal nature to continue in the same state for ever, knowing as we do the perpetual fight necessary to keep that nature under control? When Materialists write books or argue in support of a theory, they give us credit for a great many good qualities which we do not possess, at least, which we should not possess, if their philosophy were true.

If we became convinced to-morrow that there is no God, and no morality but what we have made for ourselves, what would become of our boasted society and civilization? I cannot speak for those from whom I now differ, but I can say for myself, that were I convinced before night that God and religion are merely the outcome of a dream an old savage had one time, that morality is a romance concocted by men some millions of years back, I doubt very much if any motives could be supplied me by which to model my conduct, as I am trying to do at present; and I am pretty certain this is every other man's conviction, at least when he is not writing a book or defending a thesis. If this be so to-day, after all the long years of the evolution and consolidation of civilization, is it reasonable to suppose men would voluntarily undertake obligations, and impose upon themselves restrictions under which we are chafing in our present condition of society and culture? If we find it so difficult to observe the moral order, of whose objectivity we are certain, of whose stability and independence of our mind we have no doubt, if we find it extremely difficult to square our conduct with our last end,

if we are continually seeking excuses to get rid of obligation, can we suppose men would bind themselves voluntarily to these obligations ?

## II.

Apart from the question as to what man could do, let us glance briefly at the facts. Did man unaided from without, develop civilization ? Looking back over the past, one fact stands out on the history of the race as we know it, viz., the perpetual tendency of human nature away from civilization, and its utter inability to retain, without external assistance, the culture it already possesses. Mr. Tylor scouts the statement of Whately, that there is no evidence of any savages that unaided ever did develop a civilization. 'Facts are stubborn things,' says Whately,<sup>1</sup> 'and that no authenticated instance can be produced of savages that ever did emerge, unaided, from that state is no theory, but a statement, hitherto never disproved, of a matter of fact.' Mr. Tylor immediately asks the counter question : Where is the proof that any civilized people lapsed into savagery ? But the point is not to be evaded by asking questions. If a man writes two large volumes to prove that the world's civilization is a development from a primitive savage state, we should naturally expect some positive proof of the fact. Not only have we no evidence that savages ever did emerge unaided from that state, but the evidence furnished by the world's history is decidedly the other way.

The Bible account of the Chosen People, and the side-lights it throws on the other peoples with whom they came in contact, show clearly the downward tendency of mankind. Materialists will not admit the authority of the Bible. I cannot help that ; nor do I feel in the least inclined to set aside its evidence on the present occasion. The Hebrews had been for generations detained in bondage in Egypt ; deprived of human rights, they were compelled to perform the most menial service of their masters ; in a strange land they were the hewers of wood and the drawers

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<sup>1</sup> Quoted by Tylor, page 37,

of water. When they had for ages suffered under the yoke of slavery, a man appointed by God conducted them safely from the place of their bondage, and was leading them on the way to a land flowing with milk and honey, promised to Abraham and his seed for ever. The strong hand of God was with His people, and their enemies in attempting to recapture them, were swallowed up in the Red Sea. Yet, while their leader was conversing with their Preserver on Sinai, the people were adoring a golden calf on the plain below. During the short time the eye of their leader was off them, idolatry and immorality had spread amongst the people. Afterwards, on the same journey to the Land of Promise they were continually being contaminated by the lower races with whom they came in contact. Their thoughts were ever going back even to the land of their bondage, sighing for the flesh pots of Egypt, and Egypt's hierarchy of gods. And when they finally settled down in the Promised Land, they were only kept from being merged in the barbarism which surrounded them by feeling the presence of God amongst them. And though they realized that an all-seeing God, who made His presence felt in so many wonderful ways from the Holy of Holies, was their king, though they were well aware that He could take cognizance of their misdeeds and punish them accordingly, nevertheless idolatry kept creeping in amongst them ; they were again and again departing from the traditions of their fathers, and losing hold on their own civilization from contact with the surrounding peoples. The history of Judah and Israel proves only too plainly, that even a people whose God was their king, and who were perpetually reminded of their patriarchal descent and the future glorious progeny, who were hedged in and supported by the care of Wisdom itself, that even such a people scarcely preserved their own civilization.

After the decline of the Babylonian empire, nothing tells so strongly against the progressionist hypothesis as the examples of classic Greece and Rome. Greece rose to be the first country in the world in military power, philosophical learning, and the cultivation of the

arts. Yet while her progress in arms, science, and art went forward, her ethical code sank to one of the most degraded immorality, and her religion was centered in unbridled licentiousness. And what is true of Greece is equally true of her great rival and conqueror. Rome pushed out the boundaries of her empire till she encompassed the world. Every land resounded with the clash of her arms and the tramp of her mail-clad legions as they marched from conquest to conquest. The nations of the earth bowed in submission to the imperial mistress. They saw Roman eagles flying from citadels that had once been theirs, imperial troops garrisoning their towns, powerful fleets sweeping their shores, and they realized that they were subject to a power able to force their submission.

The capital of the mighty empire was the world's seat of learning. With the breaking down of the national barriers that had isolated the nations, philosophy, rhetoric, poetry flourished throughout the Roman dominions to an extent before unknown. Mighty Rome abounded in wealth and learning. But while she rose to the zenith of her temporal glory, her morality and religion were sinking to the lowest depths of degradation. The world's capital was a sea of seething vice and corruption. Their gods were their passions and immorality their worship. Their religion consisted in the indulgence of every animal passion, in the satiation of every brutal desire. Religious festivals were the occasion for all kinds of debauchery ; drunkenness and sensuality were recognized forms of worship. Immorality was not a distinguishing mark of the outcasts of society ; patrician and plebeian alike recognized and approved it. In an age and in a land in which the lines of demarcation between classes were drawn with scrupulous accuracy, here, on a common ground, nobles and commons were equal.

According to the theology of the time, as we know from St. Paul, the lowest and most degrading forms of vice were cultivated as virtues. Rome had her Venus, Greece her Aphrodite—brutal passions raised to the dignity of the divine. Morality and religion must have gone for

little where vice was deified. What is true of Rome itself applies equally all round throughout the empire. The process which brought about the state of society in the Roman empire cannot have been development, it must have been degradation, and degradation of the worst kind. The old world civilization culminated in the classic glories of Greece and Rome ; yet, if morality and religion be any test of culture, the civilization of Greece and Rome was incomparably below that of the lowest savages of the present day. The Kurnai of Australia, and the Fuegians of South America, are the lowest types of human beings on earth, savages who know not what property is, who recognize no human authority, and are governed by no human laws, yet their ethical and religious observances are infinitely superior to those of classic culture. Greek and Roman civilization—so-called—was not the result of advancing evolution, but of a process which steeped the world in a sea of iniquity. In the opening chapter of the Epistle to the Romans, we have a terrible description of the state of society at the coming of Christ. In that dark picture we see the whole world buried in debauchery, plunged in an ocean of sensuality, completely saturated with vice and iniquity.

It is a fact that the civilization of Greece and Rome being purged and purified, what was good in it being retained, on the ruins of classic culture a new civilization was built, which was to enlighten the world to the end of time, but to what cause are we to attribute the resurrection ? Human society had been on its trial for thousands of years, and all it could accomplish was degradation to the lowest depths. Well might mankind exclaim with St. Paul, ' Who will deliver me from the body of this death ? ' And the true answer was, and is, *Gratia Dei per Jesum Christum*. It was the grace of God operating through His Church that shook the world free from the fetters of human passion, and cured it of the cancer of immorality and godlessness that was eating the heart out of society. Could any natural means ever have lifted society from the depths in which it was plunged ? What

motives could induce men to break the bonds which entwined the human heart, and tied down men's minds to selfishness and sensuality? What natural motives could induce society to give up the ways of the flesh, and live according to a gospel whose maxims ran directly counter to human inclination? Instead of hating their enemies and avenging the wrong done them, men were told they must love their enemies, pray for their persecutors and calumniators, that they must turn the right cheek to him who had smitten the left, and give their tunic also to the thief that had stolen their cloak. Such was the drift of the new teaching which purged society of immorality and irreligion, and tamed the wild barbarians of the early centuries. It was the light of the Christian gospel that broke the darkness which enveloped the world. It was the Church of Christ that lifted mankind from the degradation of paganism.

Can it be said that this, too, was the work of necessary laws of nature? Why had not these laws produced their effect sooner? Why had not society previously developed these new phases, at least partially? It surely had time enough in all the millions of years which Materialists, like reckless gamblers, have ready at hand to pay out. Why should the evolution keep going on steadily for thousands, at least, of years bringing society down lower and lower, then, suddenly a reaction, a reversion of engines, and mankind proceed in the opposite direction? The Church founded by Christ was undoubtedly, as history proves to demonstration, the originator of the present-day civilization, and its guardian ever since; and can any man, who knows anything of her history, honestly say it was all the work of evolution? Go back to the past, and read the history of the infant Church, as it is written in the vaults of the catacombs and on the sands of the Roman amphitheatres, and judge if it be merely the work of man? Look into the history of the early Christian centuries, and see hurricane after hurricane of barbaric humanity breaking over Europe from the Danube regions, withering everything in its pestilential blast, and you will find the eyes of the

sufferers turned instinctively to a 'fenceless man on the chair of St. Peter, the captain of an armless army. Follow the fortunes of the fierce Attila in his reckless and almost unopposed march over Europe to the Atlantic, across Africa, and round to the gates of Rome, and there you will find him brought to bay at last in the presence of an aged man, clad, not in a suit of mail, but in the Pontifical robes of his office. Read the history of the first seven centuries, and you will see Europe overrun from north to south, from east to west by fierce barbarian hordes, that like a black plague periodically broke over the land. Yet the Catholic Church, seemingly helpless and doomed to destruction, forged ahead in the teeth of the tempest, flourished and expanded till she quelled the fury of the barbarian, and brought hundreds of millions into subjection to the yoke of Christ. And are we still asked to believe that all this was the result of the evolution of natural forces at work through endless ages?

Here, then, is that key to the problem of the development of the present civilization, at least, which pre-historic archæology has failed to furnish. It was the Church of God that laid the supernatural foundations of the civilization of Europe and the world. It was she that guarded the growing civilization from the vandalism of the barbarian. It was she alone that held the lamp of civilization when the darkness of barbarism lay like a pall over Europe. It was she that preserved and safeguarded the education that made the future civilization possible. It was she that kept alive the spark of intellectual life when 'murky ignorance sat like a vulture with outspread wings brooding in stupid satisfaction over the widespread waste.' It was on the barque of Peter the hopes of the nations were staked when again and again they were threatened to be swamped for ever by the inundations from the East.

It was the Church alone that was able to withstand the incursions of the Mohammedan, and it was she that, in the sixteenth century, finally broke the power of the Mussulman. Who has not heard of Lepanto and Pius V? Had it not been for the efforts of the Head of the Church

then, we can only speculate what would be the state of civilization to-day. For centuries a huge wave of human barbarity had been rising and swelling on the Eastern horizon merely waiting till it should have collected strength enough to break over Europe, and swamp the civilization of Christendom in the barbarism of Islam. The western countries lay prostrate and helpless, torn from within by disputes and broils of petty princes and kings, heedless of the danger that threatened from without. But the voice of the aged Bishop of Rome was heard over the din of domestic strife, calling on the princes of Christendom to bury their petty grievances in the common cause, and save the Western Continent from destruction. What way they responded to the appeal the world knows, as it knows the success that crowned their efforts : how, on the evening of the 7th October, 1571, the half moon of the Mussulman sank in the blood-red waters of Lepanto to rise no more.

R. FULLERTON.

## THE IRISH POOR LAW SYSTEM

'DELEND A EST'

THE recent report of the Viceregal Commission on the Irish Poor Law System is of general interest to the people of this country, but it is of special interest to the prelates and priests of Ireland to whom the cause of the poor is specially committed. Before dealing with some of the conclusions of the Commissioners, it might be well to look into the history of the introduction of the present Poor Law System in England and in this country. For this purpose I shall reproduce some extracts from a paper which I read before the Statistical Society of Ireland in April, 1906, entitled, 'Suggested Substitutes for the Present Poor Law System' :—

In England, undoubtedly, the Poor Law had its origin in the confiscation of the lands of the monasteries. Though some historians, like Hallam, question the effect of the suppression, yet he and all writers on the subject must refer to the connexion. Hallam's own words on this subject are: 'There can be no doubt but that many of the impotent derived support from their charity.'<sup>1</sup> Remark the qualification 'impotent' for recipients of charity. Evidently these institutions distinguished between charity for the 'can't-works' and work for the honest 'want-works.' In addition to this early admission of the constitutional historian, we find allusion to the connexion made in the report of the Vagrancy Commission published a few weeks ago:<sup>2</sup> it says, 'It is probable, too, that the suppression of the monasteries led to a larger increase in the vagrant population.' Certainly the sudden removal of millions of acres of land and, according to Burnet, over £1,310,000 per annum from public uses to royal or private use, was an enormous economic revolution. 'The suppression,' says Hallam, 'poured in an instant such a torrent of wealth upon the Crown, as seldom has been equalled by the confiscation following a rebellion.' In Carpenter's *History of the British Peerage*, at pages 46-7 and 550-5 will be found typical cases of the enormous transfer to individuals of lands that had

<sup>1</sup> *Constitutional History*, vol. i., p. 58.

<sup>2</sup> Page 6.

been serving a national purpose. Referring to this, transfer, Hallam says 'If we could trace the title of their estates, they seem to have acquired no small portion of, them mediately or immediately from ecclesiastical foundations.' I think these Church lands were, in addition to giving alms to the impotent, also performing the function of supplying employment which the new labour colonies in the present crisis are expected to perform.

The unemployed classes no longer having the help of the religious houses to give work to the able-bodied, or aid to the 'impotent,' began to give trouble to the State. This trouble became so serious, that the Act 27th Henry VIII, c. 25, provided 'that alms should be prevented under heavy penalties.' 'A sturdy beggar is to be whipped for the first offence, and if he again offend, he shall suffer death as a felon.' An Act of the 14th of Elizabeth continued the penalties—amendments had to be passed by which the penalties were mitigated, but the principle of treating the poor as enemies was maintained, and at last in substitution for the employment given by the Church on the land—the great source of wealth—the modern Poor Law was established, which made the recipients paupers and supplied their own support, not from the pockets of the newly enriched owners of the confiscated land, but out of the pockets of the general mass of the people. As to the repudiation of their responsibilities, Hallam says<sup>1</sup>: 'It was a very natural theme of complaint that such abundant revenues as might have sustained the dignity of the Crown and supplied the means of public defence without burdening the subject had served little other purpose than that of swelling the fortunes of rapacious courtiers—and had left the King as necessitous and craving as before.' In 1601, an Act was passed, making a levy or 'poor rate,' and appointing guardians in every parish in England. Thus commenced the present Poor Law System. The Act was so faulty, it was amended one hundred and thirty times. But it was still bad.

After many failures, came Gilbert's Act of 1782. This revived the wholesome principle of giving employment—not charity—to the able-bodied, for it enacted<sup>2</sup>: 'The guardians are expressly forbidden to *send any, but* the impotent, to the poor-houses, and were bound to provide suitable employment near the homes of the people.' That was easier said than done. The land—the great and fertile source of employment—was monopolised by the few, and the multitude as far as it was

<sup>1</sup> Page 54.

<sup>2</sup> W. F. Fowle, *On Poor Law*, p. 68.

concerned were prevented from carrying out the divine decree, 'to earn their bread by the sweat of their brow.' On this subject, of the right to earn, one of the greatest writers on the social questions of the day, the late Pope Leo XIII, said in his celebrated Encyclical on Labour: 'Man is older than the State, and he holds the right of providing for the life of his body prior to the formation of any State.' But failing the means of employing the people on the lands near their homes, a new Act was passed in 1834 providing: 'That every able-bodied person requiring relief, shall be relieved only in the workhouse of the Union,' and since then really commenced the system of paupers and poorhouses.

The system by its failure to achieve its object is now being challenged in England and Ireland, and is the subject of censure from the Bench and Press, and more than one Commission has been appointed to enquire into it. Many of the poor are not employed or fed. An eminent statesman lately declared, that there are in these countries always some millions of people on the brink of starvation. And yet the cost of its administration is excessive. In England, it appears from the account of the Local Government Board for last year as against £4,825,044 spent on relief, £2,561,803, or more than fifty per cent. was absorbed in cost of management and other expenses.

The waste is notorious. In its issue of the 21st January last, the London *Daily Telegraph* drew attention to the extravagance in the Poplar Union, where the consolidated rates stand at 12s. 6d. in the pound, and this is a valuation based on net rental. Every article of consumption was purchased at the highest figure, and the writer truly said, contrasting the position of those within and those without the poor-house walls: 'The whole system is an imposition on the honest working-man.' For the working-man, be it remembered, pays his rates in his rent, and is thereby affected by their amount. From Poplar in England, let me come to Limerick, in evidence of the expenses and anomalies. In all the boroughs in Ireland, the highest standard poor rate under the Local Government Act was struck for Limerick, being 2s. 9½d. in the pound. And what is the opinion of the system from the County Court Judge. On a very recent occasion he is reported to have said: 'That of all the scandals in Ireland, the Workhouse System is the most scandalous, and if the Irish people ever get a Parliament of their own, the first thing they should do would be to pull down the workhouses.' And here let me say a few words as to its introduction into this country. That took place in 1838. At first O'Connell and the Catholic Bishops were opposed to it.

But when the great Dr. Doyle, Bishop of Kildare, saw that there was no other refuge for the evicted tenants, he advocated a Poor Law system. His scheme aimed at giving employment to the able-bodied, rather than alms. But the English system was forced upon the country. Dr. Doyle was mindful of the allocation of Church property, for he said: 'That it was held in trust, that it was bequeathed to our ancestors in part and principally for the education and maintenance of the poor, and that so long as the State withheld it from them, the people should not look for rest, nor the Government enjoy repose.' Apart from the opinion of prelates or patriots let me quote the prophecy contained in that learned review, the *Dublin University Magazine*<sup>1</sup>: 'The law will afford no relief, and it will take away heart as well as means from those whose purses are now open, who will be taxed heavily not to relieve distress—but to maintain a costly train of overseers, guardians, and commissioners.'

The shortcomings of the system were ably set forth by the late Lord Emly, then Mr. Monsell, M.P. for Limerick, and Dr. Phelan, an ex-Inspector of great experience. But their opinions were set aside, and the report of a committee who in comparison with them knew little of Ireland, adopted. The extravagance and waste in Ireland is as bad as that in England. In the last Local Government Report it appears that as against £641,553 given in relief, no less than £347,180 was absorbed in administration and expenses, or, as in England, over fifty per cent. I know that in the latter item some things are included which might undoubtedly be called relief. But the absolute sum spent on relief proper, is as I have given it.

Since I read the paper above referred to, the Report of the Viceregal Commissioners has been published. In paragraph 13, p. 3, it says, referring to the Report of the Royal Commission in 1836:—

The recommendation made by the Irish Royal Commissioners *with the object of developing the Resources of the country*, and of thus improving the condition of the poor contained (amongst other) recommendations the following:—

1. Reclamation of waste land.

8. Authority of Board of Works to undertake any useful public works and to recover cost from rates subject to restriction and approval of council boards.

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<sup>1</sup> Vol. xii., p. 452, 1838.

How these and other valuable recommendations were treated, the Viceregal Commissioners set forth in the following paragraph of their Report :—

‘ 14. These recommendations *were put aside by the Government* and their official advisers, and only the direct recommendations of the Commissioners for dealing with *poverty and destitution* were considered. Yet, the recommendations *for* the development of the Resources of the country, *as* the best means for the relief of the poor, were based upon the evidence of residents and other persons well acquainted with the condition of the country, and most of the Commissioners themselves were men of accurate knowledge of the subject.

In the face of these recommendations and the demand of the people for work, not charity, the people were denied the work and debauched by misdirected alms, and the country burdened with enormous and wasteful expenditure. In the paper above quoted I thus dealt with the classes requiring relief. I divided them into three catagories, the indigent ‘ Can’t-works,’ the genuine ‘ Want-works,’ and the hardened ‘ Won’t-works,’ and said :—

#### CAN’T-WORKS

For the indigent impotent from any cause, there must of course be relief, not work. For this I would suggest local institutions, and a central authority for the entire country. I would also suggest not a local but a national rate. The former becomes an intolerable burden on poor districts, and the greater the poverty the heavier the burden. In France by recent legislation a system is prescribed for this class by a national instead of a local rate. And thus the burden is shared by the wealthy portion of the nation instead of falling entirely on the poorest districts. I prefer a rate to philanthropy for two reasons; first it is not charity, and secondly, the heartless are compelled to pay as well as the kind-hearted.

Instead of proposing to treat the impotent as recommended under above passage, I find the Viceregal Commissioners recommended county committees and local rates, whereas I would recommend a central National Board and a national rate—so as to secure a good uniform administration and relieve depopulated and poor localities from unsupportable burdens. But the two next divisions

are the most important. Here it is that the principle of work, not charity, comes in. Referring to this aspect of the question I said of the 'Want-works' :—

Next in the category come the able-bodied 'want-works,' whose cry in England to day is 'Work, not Charity.' It is a curious coincidence that about sixty years ago, before and after the black 'Forty-seven, this was the cry of the Irish people—work, not charity. In his work on the industrial resources of Ireland, the late Sir Robert Kane, then Dr. Kane,<sup>1</sup> tells the following story of Lough Allen district : 'The picture, as I saw it some two two years since, has never left my mind—the patches of cultivation, small and rare, far from relieving the aspect of the scene, seemed but to render its dreariness more oppressive. The melancholy solitude of my walk was only broken by the approach of some wretched men, who had heard of the phenomenon of a stranger's presence in their wilds, and pressed around, asking whether I was about to do anything for the country,—to give employment. Alas, it was not in my power. As I walked on there lay around my path masses of iron ore equally rich with the best employed in England. I knew that in those hills whose desolate aspect weighed upon my mind, there were concealed all the materials for successful industry. A population starving and eager to be employed at any price.'

So also spoke William Smith O'Brien, at the approach of the Famine. 'I congratulate you,' he said to the people, 'that the universal sentiment hitherto exhibited has been that we will accept no charity. The resources of the country are abundantly adequate to maintain our population, and until these resources have been utterly exhausted I hope there is no man in Ireland who will so degrade himself as to ask for a subscription.

So say the unemployed in England to-day. 'Work, not Charity.' This problem of developing the resources of nature and employing the people has been well solved in other countries in Europe, and in consequence employment forms a substitute for the Poor Law System of this country. In a communication kindly sent me from the Government officials in Berlin last October, I find 'that it is a main principle that persons capable of working are not to be considered as a rule persons requiring relief.' Only in exceptional cases, and after careful examination, is their case attended to. The examination has absolutely to decide whether the applicant honestly but fruitlessly endeavoured to maintain himself by his own industry. As a matter of course it is the duty of every board to procure work for

applicants who are able to work and for the time unemployed. 'Thus,' he continues, 'in late years there have sprung up in Germany numerous employment agencies which are supported in part by the local authorities and in part by philanthropic sources. A working arrangement is offered. We are convinced that the relief of persons capable of work tends to pauperise them, and we are therefore very cautious in administering it.'

From similar information obtained from the Labour Department in Washington, I learn: 'Each State has its own system of dealing with employment and relief. The Federal [or, as we would call it in these countries, the Imperial] Government has no jurisdiction.' It wisely attends to imperial affairs. The indigent unemployable are classed as 'dependent.' My correspondent 'considers that relief to the able-bodied tends to pauperise them'—and there exists a system of labour bureaus for inquiring where work can be found for the able-bodied rather than charity. But in the United States and in other countries there is not much difficulty for the labour bureaus in procuring work. As a typical example of what is done in Europe I may cite Germany. In addition to numerous and increasing town industries there is the great industry of the land. Nearly every rood of cultivable land is tilled, and all waste and mountain land is planted. Any one visiting Germany must be struck by this fact. It certainly did strike the intelligent deputation of artisans who went over from Birmingham to Berlin last year to inquire into the comparative social and industrial position of the brassfounders in that city. Their experience is published in a pamphlet entitled *A Comparison*, and is well worth the reading and the shilling paid for it.

In an able introduction the editor, himself a working-man, says: 'In travelling through Prussia or Northern Germany, one is struck with the condition of the land, hardly an acre is uncultivated. There are five golf links in Germany, and over one thousand in the United Kingdom. It is difficult to find land for a golf course, so well is the country laid out for agricultural purposes. There are no stately oak or elm trees to please the eye, the timber being mostly grown for commerce, and largely for fuel.' Regarding the commercial aspect of wood culture alone in Germany, I may mention that, according to Mr. Nisbet, the well-known arborist, over £18,000,000 worth of timber is annually imported into these kingdoms, which, he says, could be well grown at home.

But, as to employment from this source, German statistics show that 26 per cent. of the country is under wood, and 12

per cent. of the population employed in forest work ; and, including allied industries, over £30,000,000 a year is spent in wages, supporting four-and-a-half millions of people. The value of the German forests as a national asset, is computed at £900,000,000. I could cite other instances in many countries, but shall select that of France. The report of the Recess Committee on Industries for Ireland, published in 1896, says <sup>1</sup>:—

‘As an illustration of what has been actually effected upon waste lands within a moderate lapse of time we may cite the case of the Landes district in France. It was calculated that the planting of those low-lying lands would add some £40,000,000 to the wealth of France. We quote from the Report of the County Council of the Garonne to the Forestry Department of the French Ministry of Agriculture in 1882: This is one of the most beautiful pages in the history of civilization and progress—a region which thirty years ago, was one of the poorest and most miserable in France, but which may now be reckoned amongst the wealthy and prosperous. Where thirty years ago a few thousand poor and unhealthy shepherds were walking about on stilts, there are now villages with saw-mills, wood-working factories, charcoal kilns ; and for more than seventy miles are seen these vast forests interspersed with fertile agricultural land, where farmers and foresters by the thousand are finding a healthy and prosperous existence.’

Let us contrast this development in France with the neglect of it in Ireland. In 1885 I was present at the Select Parliamentary Committee on the Industries of Ireland, called after its chairman, the Eardley-Wilmot Committee. Mr. William K. Sullivan, late President of Queen’s College, Cork, the greatest authority on the development of Ireland, gave evidence. In answer to Dr. Lyons, the then member for Dublin, on the subject of planting in this country, he said : ‘About thirty years ago I recommended the Government to plant the mountain sides instead of spending money on useless Model Schools, but the views of doctrinaires who knew nothing about Ireland prevailed, and nothing was done ;’ and he continued, ‘if it had been done, Ireland would be thirty millions richer than she is to-day.’ In addition, at the same time, Mr. Howitz, a Danish expert, reported to the House of Commons, on February, 1884 : ‘I think the question of planting in Ireland is one of vital importance to that country, and that instead of having five millions of people, she might have twenty-five.’ The Recess Committee also says : ‘Had the forests of Ireland been properly

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<sup>1</sup> Page 26.

protected and fostered in former times, Mr. Howitz thinks they would now represent a value of £100,000,000.'

The thirty years referred to by Dr. Sullivan are gone—and another twenty years and more have passed, and nothing has been done—in a matter which an intelligent expert declared was 'one of vital importance to this country.'

There is another remedy for want of employment and consequent poverty in England as well as Ireland—and that is the tillage of the uncultivated soil. That substitute is now being adopted in many places in England. That great philanthropist, General Booth, said some time ago: 'I will bring the landless man to the manless land.' The General meant Queensland—but the rejoinder was made by 'a Voice': 'We have lots of manless land at home.' And so attention is now being turned to farm colonies, garden cities, etc., at home. On this subject of manless land, a famous statistician, Prince Krapotkin, says in his work on *The Possibilities of Agriculture* (page 1):—

'Taking Harrow as the centre of my excursions, I could walk five miles round London, or, turning my back upon it, I could see nothing east or west but meadow land, on which they hardly cropped two tons of hay per acre.

'Man is conspicuous by his absence.

'And that within ten miles of Charing Cross, close to a city with 5,000,000 inhabitants, supplied with Flemish and Gersey potatoes, French salad, and Canadian apples.'

'In the hands of Paris gardeners each thousand acres situated within the same distance from the city would be cultivated by at least two thousand human beings, who would produce vegetables to the value of £50 to £300 per acre.

'But here the acres, which only need human hands to become an inexhaustible source of golden crops, lie idle, and they say to us, 'Heavy clay,' without knowing that in the hands of man there are no unfertile soils; that the most fertile soils are not in the prairies of America, nor in the Russian steppes; that they are in the peat bogs of Ireland, on the sand downs of the northern sea coast of France, or on the craggy mountains of the Rhine.

'England in her hour of need will regret the day she let England and Ireland fall out of tillage culture, which could provide ample food for their populations. *Every country in Europe, except England and Ireland, can feed its own population without foreign importation.*'

■ Lest these ideas may appear extravagant, I desire to quote the words of a great authority, uttered in this Society over fifty years ago by the late Judge Lawson. In 1849, he said,

in referring to the usual cry of emigration as a cure for distress : 'Over-population has no existence. There is no over-population but enough of under-cultivation.' There are people able to work, and land able to produce, and they are not brought in contact. It should be our duty to hold out some inducement to our people to remain at home, and devote to the cultivation of our own neglected soil, the energies which are now enriching the Transatlantic world.' Therefore, I believe the solution of the present want of employment, and of the worse than useless Poor Law System is to be found in the advice of such reformers as Rider Haggard, the Countess of Warwick, General Booth, and others : 'to go back to the land.'

However, until this great revolution takes place, we must organize means of helping the indigent 'can't-works' by relief—employing the 'want-works' profitably for themselves and the community, and forcing the 'won't-works' to earn their bread.

Amongst the many ways in which the 'want-works' and the 'won't-works' are dealt with, I found the clearest and most successful in use in Switzerland. It is admirably described in a report of Mr. Preston Thomas, presented in 1904 to the then Chairman of the English Local Government Board, Mr. Walter Hume Long, M.P.

The general principle is 'that if an able-bodied man is without means and genuinely in search of work—and his papers are in good order—he will on application be supported by the police (or by the Cantonal Union) with food and lodging, and will, if possible, have work indicated to him. If he cannot obtain any he will be passed on to the next town. The papers referred to must amongst other information show that the applicant has worked for an employer within the previous three months. Every traveller must have a certificate from his employer stating the period of his employment.

'No work is expected from the applicant relieved, but the man is assisted to get it and is speeded on his way'—and then the writer of the report says the advice of Victor Hugo is carried out 'to give the help which strengthens instead of the alms which debase.'

Furnished with his papers in order, the workman may wander over most of Switzerland if in genuine search of work, and will be sufficiently fed and suitably lodged on application at any of the Stations which the union has established.

But, as in Germany, the finding of work in Switzerland is not a difficult matter. The reason for this can be found in the following work of the Hon. G. C. Broderick on the *Land Systems*

*of Europe*, published by the Cobden Club in 1881: 'The quantity of land usually held (by small proprietors) varies from six to twelve acres. Yet instead of being pauperised the Swiss are proverbial for successful enterprise at home and abroad. It is difficult to say whether the purely agricultural peasantry of Switzerland or the operative classes living on their own little freeholds in the manufacturing districts offer the most remarkable examples of industry and thrift intelligence and comfort, widely diffused throughout the whole country—and it may be safely affirmed that if Swiss habits and industry could be transplanted into England agricultural distress would almost cease to be possible.'

Manufactures of every kind are going on side by side with agriculture. There are the textile industries, watch-making, machinery, wood-carving, giving employment to thousands.

Since I made these quotations last April I found an account of how successfully small farming can be carried out with profit in Ireland. In an essay published by Mr. William Blacker, agent to the Earl of Gosford and Colonel Close in the County of Armagh, in a time of great agricultural distress, advocated and put into practice on the estates mentioned this new principle of small tillage farms and the house feeding of cattle. This is the system which has made Belgium the thriving country which she is, and to the increase of tillage, small farms, and house feeding of cattle, do I look for the preservation of our population and their property in their own land. Indeed, Mr. Blacker's essay, which reached a seventh edition, in 1868, should be republished for the information of the people and the Government. It contains a lesson which compares favourably with the theoretical departments of the present day, which are expensive and useless. At any rate it clearly proves that house-fed cattle are quite equal to those raised on pastures, while one system involves tillage and employment.

But I can supplement these instances of the profit and advantages by another and existing example. The County of Down is largely tillage in small farms. The County of Limerick is largely pasture in large farms. At the passing of the Local Government Act the standard poor rate of

both counties had to be struck on average. The poor rate of Down ranged from  $7\frac{1}{2}d.$  to  $1s. 1d.$  The poor rate of Limerick from  $1s. 5\frac{1}{2}d.$  to  $2s. 9\frac{1}{2}d.$  !

The recommendation xxix, as to vagrants and casuals, in the Viceregal Report, fall in my mind far behind the provisions in other countries for similar classes. The recommendation suggests they should be detained in labour houses, and presumably at indoor work, and that they should be paid for out of Imperial or county rates. But if we turn to Switzerland we will find a system which reforms the tramp, reclaims the land, and recoups the expenses by thus dealing with the Won't-works :—

#### THE WON'T-WORKS.

For even here in this hive of industry in Switzerland not scarcity, but the indiscriminate charity of ceaseless tourists, who visit this 'play-ground of Europe,' withdrew many from industry to begging. This little well-governed republic has almost rooted out the idle vagrant class. Begging is prohibited, but work in forced labour colonies is provided. Mr. Thomas describes this system very clearly. It contrasts strikingly with the horror of our casual wards under the Poor Law System. He opens his remarks on the subject of forced labour farms by saying: 'The great fact that mendicancy in Switzerland has of late years declined to an extraordinary extent, cannot be proved by statistics—for they don't exist—but it is generally admitted. But from my own experience I am able to say since 1861 it has been obvious to me that whereas beggars used to abound they have been steadily decreasing up to the present time.'

The police are bound to arrest beggars and to bring them before a competent court. That court may send them to gaol or to a forced labour farm. He then describes one of these, 'the farm at Witzwyl. It occupies an area of about 2,000 acres in the plain lying at the foot of the Jura mountain. It used to consist of water-logged soil subject to inundations, but extensive works of reclamation have been carried out, and at the present time at least two-thirds of it is under cultivation, and produces considerable crops. It is under the control of the police of Berne, and receives persons sentenced by the criminal courts. It includes some convicted of habitual tramping (the vagrants of our country) who refused to work. All

inmates *must* work on the farm. There are workshops, but only men brought up to trades work in them. The guiding principle,' says the report, 'is to improve the land by man and the man by the land.' As to the result to the land, Mr. Thomas says: 'When the land was originally taken over in 1856, the valuation amounted to £200, it has now risen to £17,385. But,' says Mr. Thomas, 'the land has been improved by man,—but the more important question is whether the improvement of man by the land is also secured?'

The able and resourceful director, Mr. Otto Kellerhaler, says in answer: 'Most offenders are the result of disinclination to work,' and he has found that this has been cured by such varied agricultural operations as are carried on. 'When a man sees the products of his labour which have grown up before his eyes he is induced to exert himself, and is stimulated in a fashion which contrasts with the leaden monotony of such occupations as stone-breaking or corn-grinding.' It is certainly better than the oakum picking and stone-breaking of the casual wards, so fully condemned in the last report of the English Vagrancy Commission.

Another and interesting institution is the forced labour farm in the neighbourhood of St. Gallen. A great portion of the work there is planting. Mr. Thomas says: 'About half the work of the inmates on the farm is devoted to the growth of trees and shrubs from seeds. Thousands of young pines are annually sold for planting in the neighbouring forests.' Summing up his report on the forced labour farm Mr. Thomas says, 'The value of labour is claimed to be equivalent to a sum of four francs per day for each man employed; whereas if the men were allowed to rove about the country they would do nothing useful. But now considerable tracts of land have been converted from almost marsh to a high state of cultivation. Men who have not only been unproductive but troublesome and costly members of the community were at any rate being brought into habits of regular work, *and at some of the farms supported not only themselves* but the whole establishment.' What a contrast to the ruinous social and financial results of our Poor Law System!

Instead of trying to amend the Irish Poor Law System I would be prepared to adopt only the second recommendation of the Viceregal Commission, viz., that 'the present workhouse system be abolished.' The foundation stones of the new system should be:—

1. To supply work for the unemployed by the spread

of tillage, and the immediate undertaking of reclamation and planting, and by the establishment of labour bureaus to assist the genuine worker in his pursuit of employment.

2. Forced labour farms where the idle able-bodied should be made to work for his bread and reform his habits.

3. A general central board with local institutions, with a uniform and well concerned administration for the indigent impotent. The religious Orders form admirable means for carrying out these objects.

4. That for this purpose there should be a national rate, so that too heavy burdens should not press on poor districts, but be shared by the well-to-do classes throughout the land.

I have communicated these suggestions to many learned bodies and to the Press, but I could not commend them to a more powerful body than that of the Prelates and Priests of Ireland.

CHARLES DAWSON.

## THE ESSAYS OF AUGUSTINE BIRRELL

ONE of the advantages we derive from our present system of government is that a new ruler is dumped down upon our shores every two or three years. This has the great merit of relieving the monotony of life, giving a picturesque tinge to our history and a great variety to the character of our legislation. Who the new ruler may be, where he comes from, what qualifications or claims he may have to rule us in particular any more than the Soudanese or the South Sea Islanders is not supposed to be a matter of any particular concern to us. The people by whom he is sent probably know as much about us as he does himself. He comes over, at any rate, and proceeds to take charge of us with all the self-complacency of the man who drives a four in hand. At one time he comes with threats and thunderbolts, swearing that the people shall obey him or he will know the reason why; at another he is in a pleasanter mood and has brought with him a supply of handsome toys, packed in flowers of rhetoric, which he proposes to distribute plentifully amongst the natives; and for a limited number of our Brehons and chieftains he brings a basket of rich plums.

The latest of these foreign potentates to arrive amongst us is Mr. Augustine Birrell, K.C. Who is Mr. Augustine Birrell? What is Mr. Augustine Birrell? Where does Mr. Augustine Birrell hail from? I am sorry I cannot inform the inquirer; for sooth to say, story I have none to tell. I know as much about Mr. Augustine Birrell personally as three or four millions of my countrymen, and that is precious little. I have heard, indeed, that Mr. Birrell was a member of the English Bar; and a Catholic barrister who belonged to the same circuit informed me that he was a very fair-minded, good-hearted man, without a trace of bigotry, and, though a Non-

conformist, by no means narrow or prejudiced against Catholics. Everyone knows what Mr. Birrell has done, or endeavoured to do, or failed to do in connexion with education recently in England ; everybody also knows what he proposes to do for the country he has come to rule, or at least the high hopes that his coming has awakened and encouraged ; but here I am not so much concerned with his present-day exploits as with his antecedents.

Some years ago I remember asking an Irish Member of Parliament whether Augustine Birrell was then a member of the House of Commons. He said, 'No ! He was in the last Parliament, but he fell out at the General Election. He is a great loss. His speeches were most brilliant and attractive. But he is sure to come back. The last has not been heard of him.' Little did either my friend or myself dream at the time that Mr. Birrell would be one day the ruler of our country.

What made me inquire for Mr. Birrell was this : some time before, on my return from the summer holidays, I stepped one day into the book-shop of John and Edward Bumpus, in Oxford Street, London, and saw displayed on the counter there, amongst other attractions, five or six dainty volumes bearing the name of Augustine Birrell on their title page. Though the price was smart enough I invested in the lot. They were *Obiter Dicta*, *Res Judicatae*, *Men, Women and Books* and a volume of *Miscellaneous Essays*. I sampled the volumes pretty freely next day on the journey between Euston and Holyhead. From that day to this I have not regretted the smart price I had to pay for the little bundle of books.

Knowing nothing, therefore, of Mr. Augustine Birrell apart from these volumes of his, and having no desire or intention of entering into the discussion of politics, I thought it might interest the readers of the I. E. RECORD if in the present circumstances I were to set before them what I discovered on my journey between Euston and Holyhead on the occasion mentioned, and what I have since noted in one way or another in these essays of our new Pro-Consul.

The essays of Mr. Birrell in their form remind one slightly of Montaigne, Sainte-Beuve, De Quincey, Washington Irving and Lowell. I should say the modern essayist with whom he has the strongest analogy is Lowell. His wit is, as a rule, literary wit of a high order, and his style so dignified as to be inaccessible to the mechanical mirth of the professional humorist which is but one stage removed from that of the buffoon. Few writers with whom I am acquainted possess in a higher degree the gift of being able to hit off in a few sentences the salient features of a book or to trace in outline the most striking characteristics of a man. His touch is light ; but when his *croquis* is finished the book or the man stand before you. There is no mistaking them.

In the series of his *silhouettes*, few of the great names in English literature are absent. Milton, Burke, Pope, Swift, Gay, Sterne, De Quincey, Richardson, Gibbon, Carlyle, Matthew Arnold, Cardinal Newman and many others are sketched. There are short essays also on such subjects as 'The Ideal University,' 'Is it Possible to Tell a good Book from a bad One?' 'Nationality,' 'The Christian Evidences,' 'Americanisms and Britishisms,' 'Actors,' 'The Bona Fide Traveller,' 'What then did happen at the Reformation,' 'The House of Commons,' etc. Having marked with a pencil on the margin the passages that seemed to me to be worth reading again, or the witty flashes of a criticism that went straight home, I now find it comparatively easy to discover them, and can do no better than bring them under observation here much in the same haphazard order in which they were originally noted. At the risk of shocking the reader I will begin with Swift. The sooner we are done with him the better. In his short sketch of the Dean, Mr. Birrell writes :—

No fouler pen than Swift's has soiled our literature. His language is horrible from first to last. He is full of odious images, of base abominable allusions. It would be a labour of Hercules to cleanse his pages. His love-letters are defaced by his incurable coarseness. This habit of his is so inveterate that it

seems a miracle he kept his sermons free from his back-guard phrases. It is a question not of morality, but of decency whether it is becoming to sit in the same room with the works of this divine. How the good Sir Walter ever managed to see him through the press is amazing. In this matter Swift is inexcusable.

Then his unfeeling temper, his domineering brutality, the tears he drew, the discomfort he occasioned!

*Swift dining at a house where a part of the table-cloth which was next to him happened to have a small hole, tore it as wide as he could, and ate his soup through it. His reason for such behaviour was, as he said, to mortify the lady of the house, and to teach her to pay a proper attention to housewifery.*

One is glad to know he sometimes met his match. He slept one night at an inn kept by a widow lady of very respectable family, Mrs. Seneca of Drogheda. In the morning he made a violent complaint of the sheets being dirty.

'Dirty indeed,' exclaimed Mrs. Seneca, 'you are the last man, Doctor, that should complain of dirty sheets.' And so indeed he was, for he had just published *The Lady's Dressing-room*, a very dirty sheet indeed. Honour to Mrs. Seneca of Drogheda!

Whilst subscribing without reserve to Mr. Birrell's estimate of Swift in this and several other aspects of his character, I cannot but recognize the fact that the Dean still enjoys a certain amount of popularity amongst Irishmen, and even amongst Irish Catholics. This is not due to any spirit of toleration on his part; for on the contrary he was opposed to the slightest relaxation of the Penal Laws at a time when the fortunes of Irish Catholics were at their darkest; but his struggles against the fiscal and industrial swindling of Ireland, and protests against the dumping of English bishops, judges and officials on Irish soil can never be forgotten by Irishmen of any creed. Grattan's passionate appeal to the spirit of Swift and the spirit of Molyneux in national affairs has found an echo far beyond the walls of the old Irish Parliament House. It was also some comfort to the Irish Catholic clergy that whilst *they* were crushed, and bruised, and kicked, the Protestant churchmen of the time, with all the advantages of State favour and emoluments, could make no headway in their

place, and that the Dean had nothing better to say of them than :—

Whenever you see a cassock and gown  
A hundred to one but it covers a clown.  
Observe how a parson comes into a room ;  
Why bless me he hobbles as bad as my groom.  
A scholar when just from his college broke loose  
Can hardly tell how to cry bo to a goose.

We might add to all this that Irishmen have a traditional regard for men of genius whatever may be their faults, and that the Dean was a man of genius nobody can question.

Notwithstanding the disparity between Swift and Carlyle they have many points of contact. They seemed both equally soured with the world, equally contemptuous of concrete human nature. The similarity has not escaped Mr. Birrell, for he says :—

The Dean deliberately pelts you with dirt as did in old days gentlemen-electors their parliamentary candidates ; Carlyle only occasionally splashes you, as does a public vehicle pursuing on a wet day its uproarious course.

Mr. Birrell also contrasts Carlyle with Newman, ' who throughout an equally long life spent in painful controversy, and wielding weapons as terrible as Carlyle's own, has rarely forgotten to be urbane, and whose every sentence is " a thing of beauty." ' In discussing Carlyle's style as a historian, he objects to the criticism that it has in it too much of the subjective thoughts and feelings of the author, too much of the personal element and not enough of fact. Mr. Birrell thinks that if history is true the more living and readable it is made the better. If not accurate, other things being equal, he prefers ' a lively liar to a dull one.'

Of the *Reminiscences* of Carlyle, published by his friend (?) James Anthony Froude, Mr. Birrell says :—

They surprised most of us, pained not a few, and hugely delighted that ghastly crew, the wreckers of humanity, who are never so happy as when employed in pulling down great

reputations to their own miserable levels. When these 'baleful creatures,' as Carlyle would have called them, have lit upon any passage indicative of conceit or jealousy or spite, they have fastened upon it and screamed over it with a pleasure but ill-concealed and a horror but ill-feigned. 'Behold,' they exclaim, 'your hero robbed of the nimbus his inflated style cast around him—this preacher and fault-finder reduced to his principal parts; and lo! the main ingredient is most unmistakably "bile" ' '!

As I have mentioned the name of Newman, perhaps I may here refer to Mr. Birrell's essay on him. Mr. Birrell mentions him in several of his papers, always with something more even than reverence, with a sort of personal regard and affection that never falters or belies itself. In the essay which he has exclusively devoted to the Cardinal he says :—

There are some men whose names are inseparably and exclusively associated with movements; there are others who are for ever united in human memories with places; it is the happy fortune of the distinguished man whose name is at the top of this page to be able to make good both titles to an estate in their minds and hearts; for whilst his fierce intellectual energy made him the leader of a great movement, his rare and exquisite tenderness has married his name to a lovely place. Whenever men's thoughts dwell upon the revival of Church authority in England and America during the century they will recall the Vicar of St. Mary's, Oxford, who lived to become a Cardinal of Rome, and whenever the lover of all things that are quiet and gentle and true in life and literature visits Oxford he will find himself wondering whether snap-dragon still grows outside the windows of the rooms in Trinity where once lived the author of the *Apologia*.

Mr. Birrell states very fairly and precisely the object of the 'Oxford Movement':—

The great plot, plan or purpose, call it what you will, of the Tractarian movement, was to make churchmen believe with a personal conviction that the Church of England was not a mere national institution like the House of Commons or the game of cricket, but a living branch of the Catholic Church which God had from the beginning endowed with sacramental gifts and graces, with a priesthood apostolically

descended, with a creed precise and specific, which it was the Church's duty to teach and man's to believe, and with a ritual and discipline to be practised and maintained with daily piety and entire submission.

And he candidly admits that this programme was not met by argument or defeated by argument, but by what he appropriately calls the dead weight of 'John Bullism.'

John Bull could not be got to assume a Catholic demeanour. When his judges denied that the grace of Baptism was a dogma of his faith, Bull—instead of behaving as did the people of Milan when Ambrose was persecuted by an Arian government—was hugely pleased, clapped his thigh, and exclaimed through the mouth of Lord John Russell, that the ruling was 'sure to give general satisfaction,' as indeed it did.

Nothing better, I think, has been written anywhere of Cardinal Newman's style than in this essay:—

The charm of Dr. Newman's style necessarily baffles description. As well might one seek to analyze the fragrance of a flower, or to expound in words the jumping of one's heart when a beloved friend unexpectedly enters the room. It is hard to describe charm. Mr. Matthew Arnold, who is a poet, gets near it.

'And what but gentleness untired,  
And what but noble feeling warm,  
Wherever seen, howe'er inspired,  
Is grace, is charm?'

One can, of course, heap on words. Dr. Newman's style is pellucid, it is animated, it is varied; at times icy cold, it oftener glows with a fervent heat. It employs as its obedient and well-trained servant a vast vocabulary, and it does so always with the ease of the educated gentleman, who by a sure instinct ever avoids alike the ugly pedantry of the book-worm, the forbidding accents of the lawyer, and the stiff conceit of the man of scientific theory. Dr. Newman's sentences sometimes fall upon the ear like well-considered and final judgments, each word being weighed and counted out with dignity and precision; but at other times the demeanour and language of the judge are hastily abandoned, and substituted for them we encounter the impetuous torrent, the captivating rhetoric, the brilliant imagery, the frequent examples, the repetition of

the same idea in different words of the eager and accomplished advocate addressing men of like passions with himself.

Then follows a fine comparison of Newman with Burke, contrasting their subtlety and learning, their love of fine points and splendid capacity for stating them, but above all their broad, common-sense, matter-of-fact views of humanity.

Dr. Newman, recluse though he is, has always got the world stretched out before him : its unceasing roar sounds in his ear as does the murmur of ocean in the far inland shell. . . . Many of his pages glow with light and heat and colour. One is at times reminded of Fielding. And all this comparing, and distinguishing, and illustrating, and appealing, and describing, is done with the practised hand of a consummate writer and orator. He is as subtle as Gladstone and as moving as Erskine ; but Gladstone is occasionally clumsy, and Erskine was frequently crude. Newman is never clumsy, Newman is never crude, but always graceful, always mellowed.

Of the Cardinal's quiet humour, Mr. Birrell is a genuine admirer, partly on account of its intrinsic excellence, and partly because ' we are glad to find that the

" Pilgrim pale with Paul's sad girdle bound "

had room for mirth in his heart ;' but in sarcasm he regards Dr. Newman as pre-eminent :—

Had he led the secular life, and adopted a Parliamentary career, he would have been simply terrific, for his weapons of offence are both numerous and deadly. His sentences stab—his invective destroys. The pompous high-placed imbecile mouthing his platitudes, the wordy sophister with his oven full of half-baked thoughts, the heartless, hate-producing satirist, would have gone down before his sword and spear. But God was merciful to these sinners. Newman became a priest, and they Privy Councillors.

Whilst acknowledging the nobility of Newman's pursuit of truth, Mr. Birrell does not accept either his method or his conclusions ; yet he admits that his books have still a far reaching influence :—

They stand on all sorts of shelves, and wherever they go a

still small voice accompanies them. They are speaking books ; an air breathes from their pages.

‘ Again I saw and I confessed  
Thy speech was rare and high,  
And yet it vexed my burdened breast,  
And scared I knew not why.’

As there are some days, even in England, when merely to go out and breathe the common air is joy, and when in consequence that grim tyrant, our bosom’s lord,

‘ Sits lightly in his throne,’

so to take up almost any one of Dr. Newman’s books—and they are happily numerous, between twenty and thirty volumes—is to be led away from ‘evil tongues’ and the ‘sneers of selfish men,’ from the mud and the mire, the shoving and pushing that gather and grow around the pig-troughs of life, into a diviner ether, a purer air, and is to spend your time in the company of one who, though he may sometimes astonish, yet never fails to make you feel (to use Carlyle’s words about a very different author) ‘that you have passed your evening well and nobly, as in a temple of wisdom, not ill and disgracefully as in brawling tavern supper-rooms with fools and noisy persons.’

I should not like to omit what Mr. Birrell says in his essay on ‘Truth Hunting’ of the Cardinal’s credulity. Having quoted a passage in which Dr. Newman professed his belief in many disputed miracles and in the virtue of relics, he says :—

So writes Dr. Newman, with that candour, that passion for putting the case most strongly against himself, which is only one of the lovely characteristics of the man whose long life has been a miracle of beauty and grace, and who has contrived to instil into his controversies more of the spirit of Christ than most men can find room for in their prayers.

In his essay on ‘Alexander Knox and Thomas De Quincey,’ Mr. Birrell reminds us that Knox, who was private secretary to Lord Castlereagh during the Union negotiations, was allowed to know nothing of the corrupt transactions that were going on, and was afterwards got to write a sanctimonious history of the whole affair.

By this time [says Mr. Birrell], we know well enough how

the Act of Union was carried. By bribery and corruption. Nobody has ever denied it for the past fifty years. It has been in the school text-books for generations. But the point is, Did Mr. Knox know? If he did it must seem to all who have read his *Remains*—and it is worth while reading them to enjoy the sensation—a most marvellous thing. If Knox did not know anything about it how was he kept in ignorance, how was he sheltered from the greedy Irish peers and borough-mongers and all the other impecunious rascals who had the vending of a nation? And what are we to think of the foresight of Castle-reagh who secured for himself such a secretary in order that, after all was over, Mr. Knox might sit down and in all innocence become the historian of proceedings of which he had been allowed to know nothing, but which sorely needed the cloak of a holy life and conversation to cover up their sores?

Now that the University question looms up before us it is interesting to inquire whether these essays give any clue to Mr. Birrell's views about it. He has, of course, a paper entirely devoted to 'The Ideal University,' but in his essay on 'The Christian Evidences' I come upon the following:—

Atmosphere is a great word just now. To deny the existence of atmosphere in the realm of thought, is, in my opinion, proof of blunted susceptibilities. Not only does it exist, but its effect can hardly be exaggerated. The opponents of an Irish University with a Catholic atmosphere often point to Oxford and Cambridge as they now are, and ask triumphantly whether youthful members of Dissenting households do not annually proceed to those seats of learning from which all religious tests (or nearly all) have been banished. Why should not the Catholic youth of Ireland be content with Trinity College, Dublin, which throws open her famous doors to all ingenious souls, regardless of religious opinions? But atmosphere can only be tested by results, and one would like to know what percentage of the Nonconformist undergraduates who have proceeded to their degrees in Oxford and Cambridge have successfully resisted the *genius loci*, have become ministers, deacons and elders of their family chapels, and are now to be seen on Sunday mornings and evenings conducting a retinue of young schismatics into the family pew. I should like to have the figures.

In his general observations on the University Mr.

Birrell holds that the public, the community at large, should have a close eye to it. National indifference to the goings on in such an institution would prove disastrous. Experience has proved this in Oxford and Cambridge.

I have known a profligate debauchee [says the author of *Terrae Filius*] chosen Professor of Moral Philosophy, and a fellow who never looked upon the stars soberly in his life, Professor of Astronomy. We have had history professors who never read anything to qualify them for it but *Tom Thumb*, *Jack the Giant Killer*, *Don Belianis of Greece*, and such like records. We have had likewise numberless professors of Greek, Hebrew, and Arabic, who scarce understood their mother-tongue, and not long ago a famous gamester and stock-jobber was elected Margaret Professor of Divinity.

Whilst not a patron of cram or of any mechanical methods of acquiring knowledge, Mr. Birrell is a firm believer in the value of examinations, and quotes a remarkable declaration of Melancthon, approved by Sir William Hamilton, as to their value. He is particularly exercised on the subject of the ideal patron of the University :—

The ideal patron is, perhaps, a contradiction in terms ; but if it is to be found anywhere it will be, I believe, in a small combination of men of high character, reputation and general learning, who may be trusted to act independently and judiciously. The head of a political department, a town or county council ! *Retro me, Sathanas*. These are patrons that stand self-condemned ; they have not the time, the temper, the disposition, or indeed any single one of the necessary qualifications. The existing professors of the University, though they might well be represented on the Board of Selection, should not have in an ideal University a preponderant influence upon it, and especially should the Board be confined to one particular University of whose exclusive interest they should be fiery partisans, and with whose future fortunes they should be as closely as possible allied.

On the subject of ' Books ' Mr. Birrell says some very good things, and says them very happily. He is not, perhaps, quite so spicy as Lowell ; but he is far more helpful. What distresses Lowell most is that so many good books are ignored and left to moulder on the shelves of the

bookseller, whilst some odd, monstrosity of a book, which has nothing to recommend it but its outlandishness, gets a big sale and is the talk of the country :—

We have seen [he says] numberless processions of healthy kine enter our native village unheralded save for the lusty shouts of the drovers, while a wretched calf cursed by stepdame Nature with two heads was brought in in a triumphal car, avant-couriered by a band of music as abnormal as itself, and announced as the greatest wonder of the age.<sup>1</sup>

For Birrell, on the other hand, the world is a vulgar place ; but it has the knack—the vulgar knack—of hitting nails on the head, and it is always sure, sooner or later, to recognize the good and condemn the bad ; and it is something to be assured that we have probably seen already the best that the world is likely to produce :—

It is, I know, usual, when a man like myself, far gone in middle life, finds himself addressing a company containing many young people, to profess great sorrow for his own plight, and to heap congratulations on the youthful portion of his audience. I am in no mood to-night for any such polite foolery. When I think of the ever-increasing activity of the press, home, foreign, and colonial—the rush of money into the magazine market, the growth of what is called education, the extension of the copyright laws, and the spread of what Goethe somewhere calls ‘the noxious mist, the dropping poison of half-culture,’ so far from congratulating those of you who are likely to be alive fifty years hence, I feel far more disposed to offer these unlucky youths and maidens my sincerest condolences, and to reserve all my congratulations for myself.

To the poison of half-culture the author reverts again and again :—

Penmen, as bookwriters are now pleasingly called, in their great haste to carry their goods early to market, are too apt to gobble up what they take to be the results of scientific investigation ; and stripping them bare of the conditions and qualifications properly belonging to scientific methods, to present them to the world as staple truths, fit matter for æsthetic treatment. There is something half comic, half tragic in the almost headlong apprehension of half-born truths by half-educated minds. Whilst the serious investigator is carefully

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<sup>1</sup> Lowell's *Essays*, vol. iii., p. 21.

sounding 'his dim and perilous way,' making good his ground as he goes

'Till captive science yields her last retreat,' these half-inspired dabblers, these ready-reckoners are already hawking the discovery about the streets, making it the *motif* of their jejune stage-plays and the text of their blatant discourses.

I have compared Birrell to Lowell, and I think the similarity between the two is very striking. Lowell may now and again be more incisive and go deeper down into the depths and soar away into regions more ethereal; but Birrell is, on the whole, more genial and humane. Lowell's indignation is a terrible thing, though usually well warranted, as when he says of Gifford's criticism of Keats in the *Quarterly Review*: 'It is not pleasant to be talked down upon by your inferiors who happen to have the advantage of position, nor to be drenched with ditch-water, though you know it to be thrown by a scullion in a garret.'

Birrell can lay a man over more neatly, as when he says that 'Voltaire was not a truthful man, and once told lies in an affidavit.' But as a rule he is happier in the genial vein, as when he reminds us of Garrick's objection to lend books to his friend Samuel Johnson. Samuel and David, master and pupil, went up to London together from Lichfield with the united fortune of *four pence*, 'current coin o' the realm,' between them. They both became famous; but whilst David became rich and prosperous Samuel remained poor and dingy. Garrick surrounded himself with what only money could buy, good pictures and rare books. Johnson cared nothing for pictures because he could not see them; but he dearly liked to get the loan of a book. The trouble was that his friend was chary of lending his precious volumes. This was rather mean of David, and Samuel had always a smouldering grudge against him on account of it; yet Mr. Birrell writes:—

Our sympathies in this matter are entirely with Garrick. Johnson was one of the best men that ever lived, but not to lend books to. Like Lady Slattern he had a 'most observant thumb.' But Garrick had no real cause of complaint. Johnson

may have soiled his folios and sneered at his trade ; but in life Johnson loved Garrick, and in death embalmed his memory in a sentence that can only die with the English language : ' I am disappointed by that stroke of death which has eclipsed the gaiety of nations, and impoverished the public stock of harmless pleasure.'

In his essay on ' Actors ' Mr. Birrell is not very flattering to the fraternity of the stage. He thinks that a man whose chief occupation in life is to amuse the adult population of a country, and to astonish or frighten the infant section of it, cannot have that regard for his own dignity which rightly makes one happy and satisfied with his lot. A man who cuts off his beard with a view not to enhance, but rather to sink his individuality, and enable him at a moment's notice to become somebody other than himself, has not a proper regard for his own individuality. Smoothness of face, mobility of feature, nimbleness of limb, gracefulness of gesture—things that are the toys of other trades are the tools of this one. Another serious objection to an actor's calling, he thinks, is that from its nature it admits of no other test of failure or success than the contemporary opinion of the town.

This in itself goes far to rob life of dignity. A Milton may remain majestically indifferent to the barbarous noise of ' owls, cuckoos, asses, apes and dogs,' but the actor can steel himself to no such fortitude. He can lodge no appeal to posterity. The owls must hoot, the cuckoos cry, the apes yell, and the dogs bark on his side or he is undone.

Then the actors have given the verdict against themselves. Most of them who have written memoirs express regret that they had not taken to some other profession. Of Macready, one of the most successful of actors, he says :—

He did not like his children to come and see him act, and was always regretting—heaven help him—that he wasn't a barrister-at-law. Look upon this picture and on that. Here we have Macbeth, that mighty thane ; Hamlet the intellectual symbol of the whole world of modern thought ; Strafford in Robert Browning's fine play ; splendid dresses, crowded theatres, beautiful women, royal audiences ; and on the other a fusty

court, a musty wig, a deaf judge, an indifferent jury, a dispute about a bill of lading, and ten guineas on your brief which has not been paid and which you can't recover—why, 'tis Hyperion to a satyr!

And yet this most successful of actors wishes that he had been a barrister-at-law!

There is one more passage in these essays to which I should like to refer before I conclude. Mr. Birrell has written a very fascinating appreciation of Falstaff. At the close of his paper he alludes to the work of the famous German Shakespearean critic, Gervinus of Heidelberg, who made a very heavy and solemn attack on 'Sir John,' accusing him, amongst other things, of selfishness and want of conscience. Mr. Birrell thinks the attack must be due to envy:—

Falstaff [he says] is the author and cause of universal laughter. Dr. Gervinus will never be the cause of anything universal; but, so far as his influence extends, he produces headaches. It is probably a painful sense of this contrast that goads on the author of headaches to attack the author of laughter.

But I must draw a halt and refer my readers to the essays themselves which are now to be obtained, I believe, for a much smaller sum than I paid for them. They contain a great deal of wisdom flavoured with occasional opinions which Catholics could not be expected to share. These differences of opinion are, however, becomingly expressed. The writer is nowhere bitter, nowhere aggressive, nowhere vulgar. For us he has not even a velvet claw. The note of distinction and elevation runs through all his pages. At rare intervals, perhaps, a word escapes him which he would condemn in a Privy Councillor, which he would rebuke in a street-preacher, and which he would probably seek to justify in his own case only on the principle, *Quod licet Jovi non licet bovi*. He lives and moves in a far serener element than the crowd of common statesmen.

It was, still, I fear, no slight presumption on my part to venture to peep, even through the prism of his essays, at this august personage. We have it on the authority of his predecessor that the Liberal Government intends to

keep priests and landlords at arm's length. There is, perhaps, such a thing as making a virtue of necessity as far as the priests are concerned. But, in any case, as Archbishop Croke used to say, 'the cat can look at the king,' and if we are not privileged to approach these great sun-kings of democracy, we have at least this satisfaction that when they write a book they put themselves on exhibition, and we can have a look at them in common with every man who has a few half-crowns in his pocket. And we hold ourselves quite free to criticise their book, whether it be written in compact *duodecimo* for the man in the street, or in blue sheets across the annals of their time. Mr. Birrell knows as well as we do that in past times many hectoring heroes came over here to subvert or overturn the Irish priesthood. They have come and gone, and the Irish priests are not a penny the worse. When Sydney Smith declared that if the Irish people were 'priest-ridden' the best thing to do was to pamper the rider and he would soon fall off, he showed much more genius than the shallow prophets and dull doctrinaires who have succeeded him as the mentors of a great party.

There is, of course, the other policy of pampering the animal and teaching him some ugly tricks. The diabolical perversity of this plan may not be as patent to others as it is to those who occupy the position of danger. But it is in vain that we are confronted with such terrors. They do not frighten us nor disturb our sleep. The better the animal is treated the more we shall rejoice. He is sadly in need of a new outfit, a better manger and a better bed. But whatever may be the intentions of those who have taken over his training we are confident that good blood and high breeding will resist the inroads of vice, and that his temper, which has come unscathed through adversity, will not be soured by prosperity. What horse with any spirit does not kick up his heels sometimes, and cut a caper when he is fresh and the oats has been good and plentiful? But the Irish clergy are not bad riders, and it would be a very vicious 'screw' indeed on which one of them could not be got to keep his seat.

But after all, why give serious heed to such folly? Those who think they have found the key to Ireland's ills, when they utter the stupid but oracular word 'priest-ridden,' will do well to remember that the position of the Irish clergy is not dependent either on their favour or their hatred. It has roots which their mental vision cannot discover and which their malice cannot reach. It does not depend on power or place or favour or privilege. No priest is seen to crave or clamour for any of these things. Those who come to deal in a reasonable and practical spirit with the problems of Irish life will find that the clergy are not grasping, nor selfish, nor meddlesome. *Non quaerunt quae sua sunt.* In civil and secular affairs they ask only for the common rights of citizenship, nothing more and nothing less. They have fought their country's battle for the past thirty years in spite of obloquy, ill-treatment, and slander. Without them that battle could not have been carried on. But they are not ignorant of the fact that this is a land of mixed opinions and of diverse creeds, and that others have civil rights as sacred as theirs.

If, in the past, they felt bound to take a part in struggles that are now happily drawing to a close, it does not follow that they will always be opposed to the same section of their countrymen. As men of human feelings, with Christian hearts in their bosoms, they could have taken no other part. The moderation and charity and justice which they preached throughout all these struggles, and which were cast in their teeth by bullies on their own side, are as much to their credit as the insults and abuse that were showered on them from the other. If the Land war and the Education struggle and the Home Rule movement were carried on with vigour, it was they who organized and guided them and stood behind them. Archbishop Croke's 'brigade' and Archbishop Walsh's 'black battalions,' as Lord Salisbury used to call them, were always under fire; but it was mainly due to them that, apart from isolated crimes, inevitable in a great upheaval, these movements were not disgraced by unworthy methods.

During all these years there were plenty of disinterested advisers who warned them that they were cutting a rod for their own backs. They ignored the warning, did what they believed to be right, and put their trust in the people. They trust them still ; and now when accounts are to be settled at the end of the campaign they believe as firmly as ever that Catholic interests will not suffer at their hands.

In battling for justice and fair-play for Catholics in all grades and all professions we have not sought and do not seek to inflict wrong or injury on others. That would not be wise or patriotic even if it were feasible. It is neither feasible nor expedient. We could not if we would and we would not if we could. Nor are we inclined to put any very tragic interpretation on the words of Mr. Bryce to which reference has been made. We shall only be too glad to bury the hatchet and join hands across the Channel and across the Boyne. But there must be no victims. If the balm is to be applied at all let it be applied all round. Mr. Birrell, if we may judge from what we have read of him, and in him, seems to be a man with some light in his mind and some sense in his head. We are not without hope that the lamp of his genius may guide him safely through the rough and rugged path on which he has entered.

There are, indeed, many pitfalls on his way. In almost every one of them he will recognize a predecessor. It will be interesting to see how he treads his course and encounters the luring figures that beckon him to destruction. All I can say is that I should like to see his political essays as successful, and, on the whole, as beneficial, as his literary ones. We have no reason to believe that he comes amongst us with any sinister designs. Of course one never knows, and nowadays it is safer not to prophesy ; but if English statesmen think that the surest way to propitiate the Irish people at home and in foreign lands is to snub and slight their priests, it is their own look out. We can await the results with equanimity.

J. F. HOGAN, D.D.

## A PLEA FOR THE IRISH COLLEGE IN PARIS

WHEN Cicero was driven into exile by the party of Clodius, his villa at Tusculum was plundered ; his house in Rome was razed to the ground, and the site on which it stood set up for auction. On his return he gave expression to his indignation, and vindicated his rights in two speeches *pro Domo sua*. A similar fate awaits a house dear to Ireland. In France to-day there are many Clodii. For the past two months more than eighty seminaries have been confiscated, and their students dispersed by armed force. But there yet exists on French soil an establishment more ancient than any of those suppressed, and bearing the name, 'Séminaire des Irlandais.' While it exists the work of destruction is incomplete. Therefore it is doomed. At the end of the present scholastic year the Irish College in Paris shall be closed, the Bureau Gratuit, charged with its administration dissolved, the College put up for auction, the students dispersed, and compelled to seek admission to French establishments, if they desire to enjoy the Burses founded in their national College by Irishmen. A death-blow will thus be dealt to an establishment which has faithfully served the Church of Ireland for three hundred years. The present writer<sup>1</sup> has elsewhere endeavoured to trace the history of the College, but readers of the I. E. RECORD will pardon him if by way of plea, *pro Domo sua*, or rather for a house which interests all Ireland, he briefly examines the origin of the property of the College, the phases of its administration, and the consequences of the measures now projected by the French Government.

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<sup>1</sup> *The Irish College in Paris, 1578-1901*, by Rev. P. Boyle. Dublin : Gill & Son.

## I.

## ORIGIN OF THE PROPERTY OF THE COLLEGE

According to historians of the city of Paris, the origin of the Irish College goes back to 1578, when Rev. John Lee, with a few companions, arrived in Paris and entered the Collège Montaigu. In due time Father Lee became attached to the church of St. Severin, and while occupying that post, commenced the organization of the Irish College in Paris. Rev. Thomas Deise succeeded him, and on his promotion to the see of Meath, the good work was taken up by Rev. Thomas Messingham. In 1623 the Irish priests and students were acknowledged as a corporation by Louis XIII; in 1625 the College, or as it was called, Seminary, was placed under the control of the University, and in 1626 its rules of discipline received the sanction of the Archbishop of Paris. For its support it depended on the munificence of the Baron de l'Escalopier and of other charitable persons, and on the pensions of its students, some of whom were of noble birth.

Messingham's college was insufficient to contain all the Irish students in the French capital. A body of them occupied the old College of Boncour adjoining the College of Navarre, and others frequented the Montaigu College. In 1651 they were accustomed to attend the religious services on Sundays in the Vincentian Collège des Bons Enfants, and when they published a protest against Jansenism their enemies said that they had been prevailed on by the promise of a new college. The need of a more commodious residence was so deeply felt that a charitable person bequeathed to them ten thousand francs for the purpose, and by Letters Patent, dated 1672, Louis XIV authorized the acceptance of the legacy bequeathed for the acquisition of a new college. At the same time the Bishops of Ireland deputed Dr. Molony of Killaloe to go to Paris to aid in providing a new college for the Irish students.

In 1677 the Irish College in Paris entered on a new phase of existence. In that year two Irish priests, Dr.

Malachy Kelly, of the diocese of Cashel, and Dr. Patrick Maginn of Down, and sometime confessor of Queen Catherine of England, secured for their fellow-countrymen the possession of a building known as the Collège des Lombards. It was then in a dilapidated condition, and they rebuilt it from the foundation at their own expense, and presented it to their compatriots. Eleven small burses were attached to the Lombard College, and these its Provisors conferred on the Irish. This was its sole endowment. Dr. John Farely, aided by Dr. Michael Moore, enlarged the buildings. About 1730 the old chapel was replaced by a new one, which is now regarded as one of the monuments of *vieux* Paris.

Like the Baron de l'Escalopier, the Abbé Bailly and the Abbé de Vaubrun were generous benefactors. But the revenues of the College came chiefly from Ireland. Irish bishops and Irish priests and Irish laymen founded burses for the education of Irish students in the Lombard College. No endowment was conferred upon it by the French Government. In the course of time the number of students increased. Many of them were priests ordained in Ireland, others were junior ecclesiastical students. For the sake of order a portion of the College was set apart for the exclusive use of each section. That assigned to the Juniors became inadequate. In 1767, Rev. Lawrence Kelly, a priest of the diocese of Armagh, and Prefect of the Juniors, obtained from Louis XV permission to purchase a site for a new college. The Letters Patent, stating the grounds on which the petition was granted, were dated August, 1768, and run thus:—

Our dear and well beloved Irish clerics and students of the Lombard College, Rue des Carmes, have submitted to us that their community has at present no other habitation but two blocks of building, dark and somewhat dilapidated, that the young foreigners who occupy them, to the number of one hundred, are very inconveniently lodged, that they have not a suitable hall for their common exercises, are obliged to take their meals in a damp basement; and that surrounded as they are by butchers and pasteboard makers, they are perpetually exposed to unhealthy and disgusting exhalations, which have

caused the death of many during their humanities, and obliged others to discontinue their studies and return to their native country, in the hope of recovering health, which many never recover ; and that in a situation so critical an opportunity is offered of escaping from it by purchasing a plot situated in the neighbourhood of l'Estrapade, belonging to our dear and trusty Boulai de Montgodfroy, Counsellor in our Court of Parliament, and consisting of a large house with *porte cochere*, opening on the Rue de Cheval Vert, a court, a yard, stables, a large garden planted with fruit trees, and with two alleys of chestnuts, in all, about an acre in extent at the cost of 45,000 francs, and 2,000 as *pot de vin*, and that, as the petitioners have no other immovable property but the dilapidated building they occupy, they do not seek thereby to increase their revenue, their sole object being to lodge in a decent and salubrious manner, their community, the members of which are all destined to maintain religion in Ireland, and that to make the purchase and erect suitable buildings *rich Catholics of that kingdom offer to provide all the necessary money.*

But as according to the terms of our Edict of 1749, the Petitioners can undertake nothing without our authorization, which they venture to hope we shall be so much the more favourably disposed to grant, as upon the representations made at the time of the aforesaid Edict, by the late Marshal of Thomond, we were pleased to give them reason to hope that we would not refuse to grant by way of exception Letters Patent to the communities of the British Isles established in France. Wherefore the Petitioners have very humbly begged us to grant them the Letters Patent necessary in the present conjuncture. For these reasons, etc., we permit the Petitioners to acquire the site above mentioned for the purpose of transferring their establishment thereto, and to hold it fully, peacefully, and for ever.

In virtue of the foregoing permission, the site was purchased, and the building of a new college commenced in 1769. When the work was far advanced Dr. Kelly, who was legal proprietor, desiring to place the title to the property beyond all doubt, made over the College to the community by a deed of *Donatio inter vivos*, duly executed and registered, May, 1772, 'to provide his compatriots who are at present members or shall in the future be members of the said community with a salubrious abode where they may apply without uneasiness to their studies.' The gift

was legally accepted by Rev. Patrick Joseph Plunket, Doctor of the Sorbonne, Prefect of Studies, and by the students, sixty in number, for themselves and their successors.

Years passed on, the French Revolution broke out, Church property was confiscated. The Irish College, including the two houses, Rue des Carmes and Rue de Cheval Vert, was seized. The superiors protested; Earl Gower, British Ambassador in Paris, supported their protest. The question was brought before the National Assembly. M. Chaffet introduced the motion, and said :—

Will you leave to those establishments the property they possess? There can be no objection to their keeping what they purchased with their own money and that of their compatriots. It cannot be part of your principles to hinder foreigners from acquiring property under French rule. Neither is it to be presumed that you will hinder them from enjoying their property. Moreover, if the establishments in question possess real property, they have also another kind of property which merits consideration. Their revenues are in a great measure derived from investments in the public funds, and they are intangible.<sup>1</sup>

By decision of the Assembly in the form of a law, the property of the Irish College was restored, and thus the fact that it was foreign in its origin, and formed no part of the endowments of the Church in France, was officially recognized. Decrees of the Convention, 8th and 12th March, 1793, exempted the College from laws affecting French establishments of education. On the same principle that it was a British establishment, the College and its property were included in the confiscation of the goods of British subjects decreed by the Convention on 19 Vendémiaire, year II.

After the peace of Amiens the property of the College, which had not been alienated during the war with England, was restored. What remained of the property of the Irish Colleges at Nantes and Bordeaux were united to it. These two Colleges were sold in 1857 and 1886 respectively,

<sup>1</sup> *Moniteur*, 29th Oct., 1790.

and the money realized was invested in the French State funds, in the name of the Irish Catholic foundations in France.

Such is an outline of the growth of the property of the Irish College in Paris. No trace exists of the property of the first college of Lee and Messingham, no trace exists of the Italian burses of the Lombard College. The Lombard College was rebuilt by Irishmen at their own expense. The actual College, 5, Rue des Irlandais, was built with money subscribed by Irish Catholics. Nine Irish bishops, thirty-two Irish priests, four Irish medical doctors, some Irish gentlemen or merchants, and three Irish ladies founded the burses which now exist, diminished by losses at the period of the Revolution to one-third of their original value. The property of the College at the present day consists of:—

	P.	C.
53 Inscriptions de Rentes 3% ..	56,025.00	
Lombard College, Rue des Carmes, Rental	13,233.30	
Houses adjoining Lombard College, clos- Bruneau .. .. Rental	3,746.65	
House, 9 Rue l'Homond .. ..	5,729.10	
House, 5 Rue Sanliner .. ..	50,786.85	
College, 5 Rue des Irlandais, value about	1,000,000.00	
Villa and park, Arceuil, .. ..	50,000.00	

All together would represent a capital of about £200,000 sterling.

## II.

### ADMINISTRATION

Such is the origin of the property of the Irish College. How came it to be under the control of the French Government? The history of the administration of the property of the College is a varied one. During the first period of its existence, as at all times since, the rector and other superiors of the College were exclusively Irish. Living in a foreign land they were naturally subject to the civil and ecclesiastical laws of the place of their abode. The Archbishop of Paris appointed

the rector, and exercised the right of visitation. The College was subject also to the University, whose rector possessed and exercised the right of visitation. But subject to these authorities, the superiors governed the College in temporals and spirituals without interference on the part of the State.

In the second period of its existence the College became more formally a university college. It adopted the title of the Lombard College. It was governed by four Provisors of Irish birth elected by the students, and each representing one of the provinces of Ireland. It was subject to the authority of the Archbishop of Paris, who appointed one or more persons to represent him with the title of Superior-Major. It was subject also to the University, and had a share in its life and organization. To the Superiors-Major, as representatives of the Archbishops, the Provisors rendered an account of their administration when required; but in other respects they had full spiritual and temporal control of the College. In the name of the community the Provisors, or one of them, accepted foundations made for the education of students in the College, and bound themselves and their successors to administer them faithfully.

In 1736 a dispute about the right to certain burses arose between the senior students who were priests and the junior clerics. The case was referred to the King, who appointed a board, consisting of the Archbishop of Paris and certain members of the Council of State, to examine and report upon it. The commission recommended the nomination of new Provisors, but issued no further decree. From this time the election of Provisors ceased, and they were appointed by the Archbishop. In 1788 the system of government by Provisors was abolished by the Archbishop in virtue of royal authority, and the full administration was entrusted to one Irish priest, Dr. John Baptist Walsh, who held that office until the outbreak of the Revolution. In like manner the Rector of the Irish College in Rue de Cheval Vert was appointed by the Archbishop as Superior-Major.

When the College was reorganized after the Revolution a new system of administration was imposed upon it, and on the plea that the rights of subjects devolve to the crown the Government of Napoleon I and Louis XVIII claimed and exercised the right of control over the College. It was placed under the authority of the Minister of the Interior. A board of *surveillance* was appointed, and subject to it there was an Administrator-General who was the superior of the College. The person chosen for that office was again an Irishman, Dr. J. B. Walsh. The board of administration or bureau caused endless trouble, and eventually at the petition of Count Lynch it was dissolved by Louis XVIII in 1824.

From 1824 to 1850 the Rectors of the College, Dr. Ryan, Dr. Magrath, and Dr. McSweeney, had full power of administration. In 1832 the College was withdrawn from the Department of the Interior and annexed to that of Public Instruction, to which it is at present subject. In 1850 the office of administrator was separated from that of superior and entrusted to a French ecclesiastic. On his death it was once more united to that of superior in the person of Dr. Miley. In 1858 the internal government of the College was entrusted by the Bishops of Ireland to the Irish Vincentians. The Abbé Lacroix, a French ecclesiastic, was appointed administrator, and held that office until 1873. In the latter year the Government of the Republic reverted to the form of administration by a Bureau Gratuit, consisting of seven members, of whom one is a delegate of the Archbishop of Paris.

But all this time the fact that the College existed for the education of Irish ecclesiastics for the exercise of the mission in Ireland was fully admitted, and the Bishops of Ireland never ceased to exercise vigilance over it. In 1624, by a joint letter they recommended the College to the patronage of the Archbishop of Paris, and to the University. In 1672 they deputed Dr. Molony of Killaloe to treat with Colbert for the acquisition of a new college. In 1735 they wrote to Cardinal Fleury, asking his protection for the Lombard College. In 1778 they presented Dr. Walsh to

the Archbishop of Paris for nomination as rector and administrator. In 1791 the four Archbishops of Ireland assembled in Dublin, drew up and addressed to the French National Assembly a petition, in which they asked that body to issue a decree authorizing the Archbishops to act as chief administrators of the Irish Colleges in France, with the right to nominate the superiors.

In 1801 they sent a deputy to Paris to treat with the First Consul concerning the reopening of the College, and their deputy, Dr. Hussey, Bishop of Waterford, acquitted himself with success of the mission confided to him. When the College was reopened, the Bishops of Ireland exercised greater control over it than before the Revolution. They presented directly to the French Government the person to be nominated to the office of superior. In 1828 they framed rules for its government, which were formally accepted by the Minister of the Interior. In 1849 they sent a deputation of three bishops to Paris, who with the representatives of the Minister of Instruction and of the Archbishop of Paris reorganized the allocation of burses. But since 1850 the Government has shown a reluctance to admit the right of nomination, and insists that the presentation of superiors and students be made through the Archbishop of Paris. In 1858 the Bishops of Ireland, with the consent of the French Government, placed the College under the care of the Irish Vincentian Fathers. The Bishops choose the Superior of the College from a list submitted to them, and by authority of the S. Cong. of Propaganda, they exercise the right of annual visitation. Saving the rights of the local Ordinary and that of the Bureau Gratuit, the Bishops are supreme in all that concerns the internal government of the College.

### III.

The Irish College in Paris, as is manifest from the foregoing outline, is an Irish establishment, built and endowed with Irish money for ecclesiastical education, governed by Irish superiors at all times in spirituals; and in temporals also, for two hundred and fifty years

out of the three hundred years of its existence. And even from the Bureau Gratuit, which has been administrator since 1873, the Irish element has not been altogether excluded, for the Superior of the College is *ex officio* a member of that board. But all this must now come to an end. The Minister of Instruction has officially declared his intention to dissolve the Bureau Gratuit; to close and sell the College and its immovable property, and invest the price in French securities; to permit the students to enjoy their burses only on condition of making their studies in French educational establishments.

Let us examine this programme point by point. Why dissolve the Bureau Gratuit? Not for inefficiency. From a French point of view it has administered wisely and well. The reason is that the Archbishop of Paris is represented on the Bureau by a delegate of his own choice, and possesses the right of presenting the students and superiors of the College for nomination to the Minister of Instruction. The delegate died in June, 1906, and in October the Archbishop presented a person to succeed. At the same time he presented the list of students who entered the College in September. But Church and State are now by law separate, and the State refuses to acknowledge the status which the Decrees of 1873 and 1878 conferred upon the Archbishop in reference to the Irish College, or to accept nominations presented by him. How different from action of the Government in England and Ireland. The Church and State are separate in Ireland. But under a Protestant Government Catholic bishops still remain citizens, and the Government does not shrink from holding communication with them, and availing itself of their services on educational boards and on royal commissions. But if there can be no intercourse with the Archbishop of Paris, are there not other systems of administration? The College existed for centuries governed by its own superiors. And if its ancient system of administration cannot be restored, are there not other methods? The British Ambassador might exercise the rights hitherto exercised in reference to the Bureau Gratuit by the Archbishop of Paris.

After the dissolution of the Bureau Gratuit the College shall be closed and its buildings and real property sold. But why close the College? Its existence has been authorized by a long series of laws and decrees made specially for itself and emanating from every form of government which has existed in France from Louis XIII down to the present day. Its legal existence had nothing in common with that of the French ecclesiastical seminaries, and their dissolution does not justify the suppression of an establishment which has been a bond of union between France and Ireland for three hundred years, and a memorial of the mutual services of the two countries. The laws of France do not forbid ecclesiastical education on French soil. Even the suppressed seminaries though robbed of their buildings and of the pious foundations which formed their support, are allowed to reorganize themselves under the law of 12th July, 1875, as schools of theology. If the Bureau Gratuit must disappear, why should not the Irish College be permitted to reorganize itself under that law? Unlike the French seminaries which might be regarded as State property, the Irish College is not and never was State property. It was built with money subscribed by Irish Catholics, and legally donated to the Irish priests and students to be their residence. It is therefore a foundation for a specific purpose, and to sell it is a flagrant violation of justice and of the intentions of the founder. To sell the buildings, and at the same time to profess to respect the interests of the Irish foundations, is a manifest inconsistency. The capital of the foundations is in part invested in house property. That property, if put on the market at the present time, and in virtue of a forced sale, would sell but for a fraction of its real values. Hence the measure proposed by the minister would mean financial ruin for the Irish foundations. The price of the buildings, it is alleged, will be invested in French securities. But what Frenchman has confidence in those securities at the present moment when capital is leaving France and when the cry of *Les Rentes à zero* is beginning to be heard. It was as a precaution against the fluctuations and

uncertainty of French security that fifteen years ago the Bureau Gratuit sold out a portion of its State bonds and purchased a house costing one million of francs, £40,000. If that property must now be sold a serious loss must be the result.

When the College is sold, the minister tells us, that on the presentation of the British Ambassador in Paris, Irish students shall be permitted to enjoy the burses of the Irish foundations provided they make their studies in French State establishments, or in the reorganized schools of theology. But can this be done consistently with the intentions of the founders? It cannot. The burses were founded in the Irish College, entrusted to the Irish provisors, that under Irish superiors the students might be prepared for missionary work in Ireland. Several times in the history of the College similar projects have been put forward.

In 1762 the University of Paris issued a decree ordering that students in classics and philosophy resident in the University Colleges, *sans exercice*, should be obliged to reside in the Collège de Lisieux. The superiors of the Lombard College protested. They pointed out that the education given at the Collège de Lisieux, however excellent for Frenchmen, was not adapted to the needs of Irishmen destined for the mission in Ireland. The University authorities admitted the force of the plea, and exempted the Irish College from the operation of the decree. In 1800 when there was question of reopening the College, the French Government proposed to unite the Irish burses to the *Prytanée*, and to oblige the students to follow the courses in that establishment. Dr. Walsh presented a petition to the First Consul against the measure in a letter dated 8 Fructidor, year VIII, and the project was abandoned.

In 1818 a decree was issued and published in the *Bulletin des Lois*, ordering that the students of the Irish College should be obliged to make their studies in French establishments, and that the buildings should be let out to tenants. Again the superiors protested, and applied to the King in his Council of State, and again they gained

their case. Will the French Government of the present day carry out to the end a measure from which the University of Paris in 1762, the First Consul in 1800, and Louis XVIII in 1818 shrank? Can the proposal to permit the students to enjoy their burses in French establishments be taken seriously? Where are those establishments to be found? Do the State Lycées present attraction to the Bishops of Ireland for the proper training of ecclesiastical students? Where are the French seminaries to which the students might be sent? They are confiscated and suppressed. Schools of theology are being reorganized no doubt. But they are being reorganized in buildings but ill adapted for the purpose, and such as chance may offer. They have hardly sufficient accommodation for native students. How could they admit foreigners? Then, how long will they be permitted to exist? Their existence is precarious, and it is believed by many that the day is not far distant when the law of 1875, under which they are tolerated, shall be repealed.

If the French Government respects the rights of the founders there are but two courses open to it. The first is to allow the College to continue its work undisturbed. The comity of nations allows foreigners to reside abroad, to acquire property, to have establishments for their fellow-countrymen. France has her national establishments in many countries. But if the College must be closed and the students dispersed, there is another alternative, namely, to give back to Ireland the capital of her foundations in France. That capital is not French. It was Irish bishops and Irish priests and Irish laymen who made the foundations. Those foundations are sacred as a contract. If the French Government will not permit the conditions of the contract to be carried out, let the capital be restored. The French Government gave no subvention to the College. Neither Louis XIV nor Napoleon nor Louis XVIII gave a single penny to the College. Anne of Austria indeed granted an endowment for the education of Irish priests at Bordeaux. But that endowment has long since perished. The only part of the Bordeaux College which escaped the ravages of

the Revolution was the house, and that house was built with money collected by Dr. Martin Glynn in Ireland in 1774. In the deeds of foundation, of burses, there is an implied condition. In several of them there is an express clause concerning the return of the funds to Ireland. The twelfth article of the will of Rev. John Plunket runs thus :—

If it come to pass, as there is reason to hope, that the Government of Ireland repealing the Penal Laws enacted against Catholics in that kingdom should grant them permission to profess their religion publicly, and to establish seminaries and colleges, where young Irish Catholics may make their studies at home, those who possess the above-mentioned qualifications may enjoy the said burses in any of the colleges or seminaries which may be established in Ireland.

Similar clauses are found in the wills of Father O'Donoghue and Father Daly. The older documents drawn up when there was no hope of the establishment of Catholic colleges in Ireland, do not contain the above proviso; but as the foundations were made in France only because they would not then be made in Ireland, that clause is beyond doubt implied. If, therefore, France closes the College and retains the capital, she violates the intentions of the founders, she strikes a blow at the rights of aliens all over the world. She inflicts a wrong on a nation which in the past looked to France as a friend and a protector. There was a time when the dream of many Irishmen was to go to France to wear the *fleur de lys*. There was a time when Irish valour won victories for France. There was a time when the services of Marshal de Thomond and of the Irish Brigade were appreciated in France. There was a time when the name of France was heard with joy or sympathy in the cities and hamlets of Ireland. There was a time, not so distant, when this ancient College opened its doors to receive and nurse the soldiers of France, suffering from wounds inflicted by Prussian arms. As a return for all these services the College shall be put up for auction and its students sent adrift, and the chapels beneath which the dust of Irishmen rests shall be desecrated. In a niche of the Columbarium of Cæsar's household,

just outside the walls of Rome, may still be seen an urn with the inscription : *Ne tangito ; reveritor deos manes*. 'Touch not the ashes of the dead' is the cry of a soul *naturaliter Christiana*. Twenty centuries have respected it. Beneath the chapels of the Irish College repose the ashes of many dear to Ireland—Archbishops Maguire of Armagh and Lynch of Tuam, Dr. Moore, Rector of the University of Paris, the heart of Dr. Maginn, the bodies of Drs. Kelly, Markey, Kearney, and many others. The Revolution respected their resting place. Now it shall be up for sale and alienated. Will Irishmen look on unmoved at such a profanation ?

But we feel assured that the Bishops of Ireland will not permit the inheritance of the Irish Church to be plundered without a struggle, and that the representatives of the Irish people in Parliament will support them. We venture to hope that the present courteous Ambassador of England will be no less zealous and successful in defending the College than was his predecessor in 1790. All nations defend the rights of their subjects in foreign lands. If England has the will she has the power ; and the conduct of her ally in the Far East would put her to shame if she neglected her duty to her own subjects.

For ourselves, if the work of destruction cannot be averted, we shall quit France without a murmur. We shall even feel proud that we have been found worthy of sharing the persecution, which has laid waste the religious houses and plundered the ecclesiastical seminaries and despoiled the Church in France. More fortunate than the religious and the ecclesiastics of France, we shall return to a country where liberty is inscribed, not upon the walls, but in customs and laws. We shall go back to our native land, resolved to be ever worthy of the ancient College which for more than three centuries has furnished generations of faithful priests to Ireland.

PATRICK BOYLE, C.M.

## GENERAL NOTES

## THE GERMAN ELECTIONS

THE German Reichstag consists of 397 members. Of these 236 are returned by Prussia, 48 by Bavaria, 23 by Saxony, 17 by Würtemberg, 14 by the Grand Duchy of Baden, 9 by the Grand Duchy of Hesse, 6 by Schwerin, 3 each by Weimar, Oldenburg, Brunswick and Hamburg, 2 each by Saxe-Meiningen, Coburg-Gotha, and Anhalt, 1 each by the remaining small States of the 'Bund,' and 15 by the provinces of Alsace-Lorraine. Every 100,000 of the population is, roughly speaking, entitled to a member, and each of the small States is entitled to at least one member even though its population does not reach 100,000.

The deputies are elected by manhood suffrage, and every German man who has completed his twenty-fifth year is eligible, provided he is in the enjoyment of ordinary civil rights and has not been disqualified by crime. I will give in parallel columns the composition of the different parties according to the return of 1903 and that of the elections just held. A few seats still remain to be filled.

	1903	1907
Centre Party . . . . .	100	109
Conservatives . . . . .	52	56
National-Liberals . . . . .	53	57
Imperial Party . . . . .	19	23
Radical People's Party . . . . .	21	27
Radical Union . . . . .	9	11
South German People's Party . . . . .	6	7
Economic Union . . . . .	5	19
Poles . . . . .	16	19
Social Democrats . . . . .	81	43
Peasants' League . . . . .	3	3
Agricultural Union . . . . .	3	3
Lorraine Party . . . . .	3	3
Danes . . . . .	1	1
Hanoverian Guelphs . . . . .	7	1
Independents . . . . .	6	5

According to the returns of 1903 there were 12 professed Antisemites. This time there is only one.

I take the figures for this year from the *Koelnische Volkszeitung*; but it is evident that the Catholic deputies of Alsace

who were formerly counted separately are here fused with the Centre Party. I recognize their names in the list: Delsor, Wetterle, Richlin, Wiltberger, etc. It is interesting to note that in the last Reichstag there were twenty-one priests, members of the Centre Party. A few of these have retired. Whether their places have been taken by priests I have not been able to make out. But most of the old clerical parliamentary hands are returned once again. Amongst them I notice Mgr. Hitze of Münster, Dr. Lender of Baden, Pfarrer Schuler of Kehl, Arch-priest Frank of Ratibor, Pfarrer Kohl of Newmarkt, Canon Gerstenberger of Aschaffenburg, Pfarrer Gleitsman of Landshut, Dean Schaedler of Bamberg, Pfarrer Hebel of Illertiffen, Canon Pichler of Passau, Father Dasbach of Treves, Pfarrer Leser of Ravensburg, and Fathers Delsor and Wetterle of Alsace. The Centre Party has apparently gained four seats and the Poles three. The German Catholics have made a splendid fight, and deserve the thanks, as well as the congratulations, of Catholics the world over.

J. F. HOGAN, D.D.

# Notes and Queries

## THEOLOGY

### PRIESTS AND THE RECENT DECREE OF THE HOLY FATHER ABOUT COMMUNION OF THE SICK NOT FASTING

DEAR REV. SIR,—May I trouble you to let me know, through the I. E. RECORD—(1) May sick priests who wish to say Mass through private devotion avail themselves of the privilege? (2) May a priest who is temporarily indisposed before a Mass of obligation on Sundays (i.e., one of the public Sunday Masses when there is no one to come to his relief) avail himself of the privilege?

G. D.

1. There seems no reason why sick priests, who wish to say Mass through private devotion, should not avail themselves of the privilege within the limits allowed by the decree. Non-observance of the fast being the only reason to exclude them from the celebration of Mass, and this being no longer, within certain well defined limits, an obstacle, there is nothing to prevent them from carrying out their desires.

2. Seeing that a person must have been sick for at least a month before he can utilize the privilege, a priest 'who is temporarily indisposed before a Mass of obligation' does not fulfil the necessary conditions. The question, however, can be raised as to whether a priest, who has been sick for a month, can utilize the privilege for the purpose of saying a public Sunday Mass. The solution depends on this: whether or not a priest who is able to say a public Mass is sufficiently sick to verify the words of the decree: 'qui jam a mense *decumberent*.' Those who are so seriously ill that they are confined to their rooms or houses certainly fall under the phrase, but the case is somewhat different if a person is able to leave his house and say a public Mass; still, if a priest is in reality seriously sick, especially if he ought really to be indoors, and, nevertheless, is willing to undergo the fatigue and danger of saying a public Mass

for the sake of his people, it seems unreasonable to exclude him from a privilege which he could enjoy in his own home.

#### SUPPLYING MEAT TO PROTESTANTS ON FRIDAY

REV. DEAR SIR,—Would the theological correspondent of the I. E. RECORD in next number say: Firstly, is it lawful to give meat on Fridays and days of abstinence to Protestants? Secondly, is it a mortal sin to do so? Thirdly, if a mortal sin, why is it not mentioned in the Catechism or in Examinations of Conscience?

#### A PERPLEXED CATHOLIC.

Baptized Protestants are subjects of the Church, and as such are bound to observe her laws in so far as she wishes to urge them. The question then is: how far does the Church wish to urge her laws against baptized Protestants? Some laws of the Church directly tend to promote the public good, such, for instance, as those establishing ecclesiastical impediments of matrimony. The Church certainly wishes to urge these laws against baptized Protestants unless an exception is made in any particular case, such as has been made in regard to clandestinity in countries where heretics formed a distinct sect when the decree *Tametsi* was promulgated in the locality. Other laws of the Church tend directly towards the sanctification of individual souls, such, for example, as the law of hearing Mass on Sundays and holidays, and the laws of fast and abstinence. Many grave authorities hold that the Church does not wish to urge these laws against baptized Protestants in present circumstances, because of the inutility of doing so, and because of their presumed *bona fides* which deserves mildness of treatment. This view is maintained by De Angelis,<sup>1</sup> Laurentius,<sup>2</sup> Bargilliat,<sup>3</sup> Genicot<sup>4</sup> who agrees to the extent that there is a *ratio non spernenda* in favour of the view, Marc,<sup>5</sup> Lehmkuhl.<sup>6</sup> On the other hand, the more common opinion holds that heretics are bound by such laws, on the ground that they, being subjects of the

<sup>1</sup> *Prael. Juris Can.*, lib. I., t. 2, n. 13.

<sup>2</sup> *Inst. Juris Eccl.*, n. 993.

<sup>3</sup> *Prael. Juris Can.*, n. 63, b..

<sup>4</sup> *Theol. Mor.*, I., n. 94, 3°.

<sup>5</sup> *Inst. Mor.*, I., n. 198.

<sup>6</sup> *Casus. Consc.*, I., n. 96.

Church, are bound by her laws unless she specially exempts them; and she has never proclaimed such exemption, but on the contrary has laid down the general principle: 'Heretici Ecclesiae subditi sunt, et legibus ecclesiasticis tenentur.'<sup>1</sup> These theologians do not regard urging of these laws as useless, because, as De Lugo<sup>2</sup> says, the exemption of heretics from them might have the effect of inducing weak Catholics to desert the true fold with the object of gaining greater freedom of action—at least urging of these laws might have a deterrent effect. And as for the *bona fides* of Protestants, the absence of formal sin ought to be sufficient to satisfy its claims.

Whatever is to be said of the speculative question—and I am inclined to hold that the Church does not exempt Protestants—in practice the milder opinion is safe, since the weighty authority of its many patrons gives it undoubted probability. Hence, in practice, Protestants cannot be looked on as committing even a material sin in not observing the law of abstinence, and, in consequence, Catholics, who supply them with meat on Fridays, do not, apart from scandal that might exist in particular cases, commit any sin. Even if the strict view were put into practice, the supplying of such food would not in all cases be a grave sin, or even a venial sin, because there are many reasons which would excuse the material co-operation with objective grave sin. Such reason would exist in the case of servants whose duty it is to prepare their master's food; in the case of hotel keepers whose business would seriously suffer from refusal to supply their customers with whatever is asked; in the case of private people who have some good motive for inviting to their tables on a day of abstinence a Protestant who would take it ill to be deprived of meat or for whom no other suitable food could be obtained.

What I have already said in reply to the first and second questions supplies an answer to the third question of my correspondent.

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<sup>1</sup> Benedict XIV, *Constit. Singulari nobis*.

<sup>2</sup> *De Poen.*, disp. 15, n. 144.

## BLACK FAST

REV. DEAR SIR,—I. May cocoa without added milk be used on black fast at breakfast and supper ?

II. May cocoa or *café au lait*, as usually sold in combination, be lawfully used at same meals ?

III. May not a small quantity of milk, say half a wine-glass, be used to a breakfast cup of tea without any dispensation, on the ground that custom has made tea almost a necessity in this country, and as it is undrinkable without some milk, the use of a little of the latter may be considered as a necessary *constituent* rather than added *nutriment* (in nutritive value it is almost a negligible consideration in such small quantity) ? If this be true how is it people have to ask for a dispensation ?

Perhaps I am wrong in thinking that present Lenten regulations do not permit, without dispensation, the use of a small quantity of milk in tea on black fast days, but I have not seen any mention of it in theological treatises, and most people seem to believe it not permissible.

If the law of fasting allows a *frustulum panis* 'ne potus noceat,' the law of abstinence ought to permit a 'drop of milk,' *ne noceat thea*, otherwise the followers of Father Mathew would be much more severely dealt with in their cups than the others in their flagons. Please give an answer in next issue, if possible.

LACTEA.

I. Cocoa without milk may be used on days of black fast both at breakfast and at supper, it being borne in mind, however, that some compensation must be made for the large amount of nutriment therein contained by taking a smaller quantity of solids than would otherwise be allowed.

II. Any combination of cocoa and milk, or of coffee and milk, is against the law ; it matters not when or how the milk is added.

III. Many people in this country are excused by necessity from the law prohibiting the use of a little milk in tea on days of black fast. The amount of milk used being only a *materia levis*, a slight inconvenience, over and above that implied by the observance of the abstinence itself, is sufficient excuse ; and such inconvenience often exists by reason of the facts that, in many cases, no suitable drink besides tea can be obtained for breakfast or supper, and the use of tea without a slight infusion of milk gives rise to serious

headache. But there is no universal excuse, since many can get on very well without tea and milk. I know some who are fairly content with chocolate or cocoa or coffee without any milk, and others who can comfortably drink tea by itself or with merely some lemon. Certainly necessity does not excuse in such cases. Nor does an appeal to the axiom : ' Ne potus noceat ' give much help ; if the axiom were to allow a little meat on Friday a parity could be drawn, not otherwise. As for the remark about the hardships of the followers of Father Mathew, I have yet to learn that it is customary for others to drive away the sorrows of abstinence by the use of intoxicants ; and even if it be, the reward of total abstainers is other than exemption from the fast or abstinence.

**DOES THE CHURCH SUPPLY JURISDICTION FOR THE  
ABSOLUTION OF A CATHOLIC, WHO, THOUGH NOT IN  
PRESENT DANGER OF DEATH, IS NOT LIKELY TO MEET  
AN APPROVED CONFESSOR IN THE FUTURE ?**

REV. DEAR SIR,—Some youthful theologians have been discussing the position of a *simplex sacerdos* who, in his travels through remote and unfrequented regions, meets a Catholic who has had no opportunity for years, and who has no hope of having in the future an opportunity of going to confession to an approved confessor. Can he give absolution in the case ? A reply in the I. E. RECORD will oblige.

NEO-SACERDOS.

The Council of Trent (sess. 14, c. 7) says : ' Verumtamen pie admodum, ne hac ipsa occasione aliquis pereat, in eadem Ecclesia Dei custoditum semper fuit, ut nulla sit reservatio in articulo mortis, atque ideo omnes sacerdotes quoslibet poenitentes a quibusvis peccatis et censuris absolvere possunt.' The Roman Ritual (*de sacramento poenit.*) also declares : ' Si periculum mortis immineat approbatusque desit confessarius, quilibet sacerdos potest a quibuscunque censuris et peccatis absolvere.' Theologians justly conclude from these documents that, at least if no approved confessor is present, any priest can validly absolve *in articulo mortis*, and they unanimously extend this doctrine

to the *periculum mortis*, the *articulus mortis* being the death agony and the *periculum mortis* being probable danger of death arising from intrinsic or extrinsic sources. As to the propinquity of the death of which there is probable danger, there is no agreement amongst theologians ; nor has any authentic decision been given on the point, so far as I am aware. While some, adhering strictly to the words of the Roman Ritual, hold that the danger of death must be imminent, others are of opinion that it is merely necessary that there should be probable danger of dying without having an opportunity of subsequently confessing to an approved confessor. This latter view is held by St. Liguori<sup>1</sup>: 'Tale periculum censetur adesse in praelio, in longa navigatione, in difficili partu, in morbo periculoso et similibus, ut Sanch. Salm. *Idem de eo, qui est in probabili periculo incidendi in amentiam. Idem de captivis apud infideles cum exigua spe libertatis, si credantur nullos alios sacerdotes habituri.*' Palmieri<sup>2</sup> quotes from memory and apparently accepts this teaching of St. Liguori. Marc<sup>3</sup> also accepts it, and the opinion of Lehmkuhl<sup>4</sup> can, perhaps, be gleaned from what he says in connexion with *absolutio complicitis*, viz., that there is no onus of again confessing the *peccatum complicitis*, if a priest absolves his accomplice 'in periculo mortis aut impedimento quasi-perpetuo ad alterum sacerdotem accedendi.' He evidently considers that the absolution is direct not only in *periculo mortis*, but also in case of permanent impossibility of going to confession to another priest, and that jurisdiction is equally supplied in both cases. Since there is no official decision either declaring or granting a concession of jurisdiction, I believe that, in theory, there is not sufficient justification for extending the teaching of the Council of Trent and of the Roman Ritual beyond the case of probable danger of imminent death ; still the opinion of St. Liguori is safe in practice, and the Church will supply jurisdiction on account

<sup>1</sup> Lib. vi., n. 561.

<sup>2</sup> *Opus Theol. Mor.*, v., n. 363.

<sup>3</sup> *Inst. Mor.*, ii., n. 1753.

<sup>4</sup> *Theol. Mor.*, ii., n. 937, 4.

of its probability. Hence, the priest mentioned by 'Neo-Sacerdos' can validly absolve the Catholic whom he encounters in remote regions, and who is not likely ever to meet an approved confessor; and the Catholic thus absolved is not bound to confess the same sins again if he should happen subsequently to meet an approved confessor.

#### JURISDICTION OF PRIESTS TRAVELLING BY SEA

The last question reminds me of two recent decrees of importance on the jurisdiction of priests travelling by sea.<sup>1</sup>

1. On the 23rd August, 1905, the Holy Office came to the following decision :—

Sacerdotes quoscunque maritimum iter arripientes, dummodo vel a proprio Ordinario, ex cujus dioecesi discedunt, vel ab Ordinario portus in quo in navim conscendunt, vel etiam ab Ordinario portus cujuslibet intermedi, per quem in itinere transeunt, sacramentales confessiones excipiendi, quia digni scilicet, atque idonei recogniti ad tramitem Conc. Trident. sess. xxiii., cap. xv. de Ref., facultatem habeant vel obtineant; posse toto itinere maritimo durante, sed in navi tantum, quorumcunque fidelium secum navigantium confessiones excipere, quamvis inter ipsum iter navis transeat, vel etiam aliquandiu consistat diversis in locis diversorum Ordinariorum jurisdictioni subjectis.

Sequenti vero feria V, die 24 ejusdem mensis et anni, SS<sup>mus</sup>. D. N. Pius P.P. X decretum Emorum. P.P. adprobavit.

Hence in future a priest travelling by sea can hear the confessions of his fellow-travellers, if he is an approved confessor of his own diocese, or has obtained faculties from the Ordinary of the port where he embarked or from the Ordinary of any port of call. While on board, he can hear the confessions of his fellow-passengers, no matter where they embarked, and no matter whether or not the ship passes through or stops for a short time at places subject to the jurisdiction of other Ordinaries. The crew, being fellow-voyagers, are subject to his sacramental jurisdiction.

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<sup>1</sup> Cf. *Analecta Ecclesiastica*, Jan. 1907, p. 9.

It is worthy of note that this new decree differs somewhat from a previous concession, dated 4th April, 1900, in which the phrase 'ex cujus dioecesi discedunt' was not found. Many thought that regular confessors, not having Episcopal approbation, could hear the confessions of their secular fellow-passengers. The words included in the recent concession seem to make approbation of one of the three Ordinaries necessary. This is also in harmony with the general legislation of the Church, according to which the sacramental jurisdiction of regulars over seculars needs to be made expedite by approbation of the Ordinary of the place, who in the present case is one of the three named in the decree.

2. On the 12th December, 1906, the Holy Office issued another decree having reference to jurisdiction of priests travelling by sea, over others than fellow passengers :—

Supplicandum SSo. ut concedere dignetur sacerdotes navigantes, de quibus supra, quoties, durante itinere, navis consistat, confessiones excipere posse tum fidelium qui quavis ex causa ad navem accedant, tum eorum qui, ipsis forte in terram obiter descendentibus, confiteri petant eosque valide ac licite absolvere posse etiam a casibus Ordinario loci forte reservatis, dummodo tamen—quod ad secundum casum spectat—nullus in loco vel unicus tantum sit sacerdos adprobatus et facile loci Ordinarius adiri nequeat.

Sequenti vero feria V die 13 ejusdem mensis et anni, SSmus. D.N. Pius P.P. X annuit pro gratia juxta Emorum. Patrum suffragia.

Hence while on a sea voyage, priests, who have faculties from one of the three Ordinaries already mentioned, can hear the confessions of the faithful who at any port of call come on board for any reason. If these priests go ashore at any port of call they can absolve the faithful of the place even from cases reserved to the Ordinary, provided that there is no, or at most one, approved priest there, and that the Ordinary cannot be easily reached.

J. M. HARTY.

## CANON LAW

### LETTERS OF EXCARDINATION TO LAYMEN

OWING to the importance of the new legislation introduced of late in the discipline of the Church about excardination of laymen from a diocese, and especially in the interest of those who are entrusted with the education of youth destined to the sacred ministry, we propose to make a brief exposition of the recent decree of the Congregation of the Council, *Excardinationis et S. Ordinationis*, issued the 24th November, 1906, and which we publish in the present number of the I. E. RECORD. For the present we leave aside the historical aspect of the ecclesiastical discipline on this question, and do not deal with the evolutions and various phases it passed through in different times up to the present moment. This may be a subject for a separate study. Here we are only concerned with the practical part of this new legislation and the rules laid down for the exact fulfilment of the above-mentioned decree.

In order, however, to set forth the occasion that originated it we shall briefly recall the circumstances which prepared the way and the reasons which eventually made its enactment absolutely necessary. It was an ancient discipline of the Church to attach to a particular church or pious place any person who wished to be promoted to sacred orders and even to tonsure. This church or place was the title of ordination of the new cleric, who was thus bound to remain there permanently and discharge the duties inherent to his orders. On account of this connexion the newly ordained cleric became a member of the diocesan clergy, and the bishop of the diocese his only superior and competent bishop for his promotion to higher orders. Hence ecclesiastics who wished to quit the diocese or to be ordained by some other bishop required, in the first case, letters of excardination, in the second dimissorial letters from their own diocesan superior. At that time, however, both kinds of letters were called dimissorial. As to the ex-

cardination letters, in process of time, when the old discipline of the Church was relaxed on account of the introduction of new titles of ordination—*titulus patrimonii*, *pensionis*, etc.—without the necessity of incardination to any particular church, the use of granting letters of excardination was discontinued, and clerics used to relinquish their own diocese even without permission of the bishop.<sup>1</sup>

This practice was highly detrimental to clerical and ecclesiastical discipline, and to remedy the inconveniences and abuses resulting from the old legislation, the Council of Trent<sup>2</sup> restored it, at least as far as major orders were concerned. The new law of Trent was kept, and carried out by those who held residential offices and benefices, but in other cases it was never observed, or perhaps fell into desuetude, and this custom against the law of the Council of Trent is so long and well established, even in Italy and in Rome, that canonists<sup>3</sup> generally do not dare condemn it; although Benedict XIV<sup>4</sup> does not see the reason why clerics should not be attached to a particular church of a diocese, even though they had not a residential benefice, but some other title for their ordination.

No wonder, then, if old authors as Schmalzgrueber, Barbosa, Monacelli, Pirhing, etc., adducing responses of the Congregations, maintain that clerics not attached to any church by a residential office may leave the diocese without letters of excardination. The present discipline of the Church, however, is that all ecclesiastics require letters of excardination if desirous to abandon their own diocese, and the reason assigned by modern canonists and by several recent decrees of the Congregations is that all clerics, on account of their ordination, if not to a particular church, are attached to the diocese for whose service and utility they were raised to sacred orders, and the bishop, therefore, may

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<sup>1</sup> Cf. Thomasinus : *De Vet. et Nova Disc.*, p. 2, lib. i, c. iv, ix. ; *Acta S. Sedis*, vol. v.

<sup>2</sup> Sess. 23, c. 16.

<sup>3</sup> Gasparri, ii., 378 ; Bouix, *De Episc.*, ii., 172 ; Craisson, n. 1003 sq.

<sup>4</sup> *De Syn. Dioc.*, lib. xi., c. ii.

keep them in the diocese and compel them to return if outside the diocese.<sup>1</sup>

But whilst letters of excardination are sufficient for a cleric to sever his connexion with his diocese in order to find a new one, they are not a title or permission to receive orders. For that purpose he still requires dimissorial letters, as the ecclesiastical law recognizes only four bishops competent to confer orders—*Episcopus originis, domicilii, beneficii, et familiaritatis*. Moreover, it is to be remembered that the domicile necessary for ordination, unlike that for other purposes, requires special and difficult conditions to be fulfilled. It can be only acquired by ten years<sup>2</sup> of actual residence or by a residence of some duration after settling down in a house within the boundaries of the new diocese, and having transferred there the bulk of his belongings and goods, and in both cases the intention of permanently remaining in the new domicile has to be confirmed by oath.<sup>3</sup> These conditions were very difficult to comply with, especially in cases of students who were to be ordained in a short time after their incardination in the new diocese, or of those who could not go to the new domicile except after their ordination.

Hence an almost general custom was introduced to regard letters of excardination on the part of the bishop, *a quo*, as a sort of complete renunciation of all powers and episcopal competency of any kind towards his cleric, and, on the other hand, to recognize letters of incardination as a sufficient title for the bishop, *ad quem*, to become competent in promoting the new subject to higher orders. In places where this custom was practised with caution and prudence it gave no room for complaint; in others, on the contrary, it was a constant cause of disturbances and abuse.<sup>3</sup> For this reason the Congregation of the Council took up the question, carefully examining the prevailing custom and its origin and effects, and after

<sup>1</sup> Wernz, ii., 155; Icard, i., 292; *Acta S. Sedis*, v., 477, xiv. 113; S.C.C., 14 Aug., 1880, 19 Feb., 1870.

<sup>2</sup> Bull, *Speculatores*, Inn. XII.

<sup>3</sup> Many, *De S. Ordin.*, p. 170; Lucidi, i., 184.

mature deliberation issued the decree *A Primis*, 20th July, 1898, confirming by written law what was already in existence by usage, and laying down several rules to guard against the inconveniences lamented in the past. In the concession, however, made by this decree, laymen were not included, nor could this new disposition regarding only the excardination of clerics be extended to them; on the contrary it was there expressly stated that for the ordination of laymen the Bull *Speculatores* still remained in force. But laics, as in the case of clerics, in wanting to change diocese, found it equally difficult to carry out the rules of the Bull of Innocent XII in order to find a bishop competent for their ordination; consequently for them also the custom was introduced of granting letters of excardination and incardination available for all purposes.

No difficulties were raised about this custom until the publication of the decree *A Primis*, but the express injunction therein contained, that laymen must observe the Bull *Speculatores*, and the final clause abrogating all existing customs, seemed to have made unlawful its continuance, and it was then the origin of numberless doubts and perplexities.

The Congregation of the Council, interrogated about the matter, leaving unsettled the question of the lawfulness of the custom, on the 15th of September, 1906, decided that bishops may henceforth grant to laymen the same letters of excardination as those for clerics, with the same privileges and juridical effects, promising at the same time the publication of a second decree for the rules to be observed in the exact fulfilment of the new legislation. In fact this decree was issued on the 24th November, 1906, which, after recalling the regulations of the decree *A Primis*, and briefly stating the motives that necessitated its enactment, lays down three rules, one dealing with excardination, the second with incardination, and the last with the oath to be taken on such an occasion.

We will take and consider them separately.

The first rule runs as follows: 'I. Dimissio ab Episcopo

proprio ex justa causa in scriptis et pro determinata dioecesi concedatur.'

(a) The word excardination is of rather recent introduction in canonical legislation. It did not exist in the old ecclesiastical law; letters of excardination were then called dimissorial letters or *litterae formatae*. It was introduced by custom, and afterwards adopted by the written law. But if excardination is a proper word when used for clerics who, in virtue of their ordination, are attached to the diocese, and so require an excardination in order to sever their connexion with it, it appears an incorrect expression when applied to the dismissal of laymen from a diocese. Excardination supposes an incardination. The latter is an effect of sacred ordination, and as laymen were never attached to the diocese by ordination, or embodied in the diocesan clergy, they cannot be released from ties which they never contracted. This incongruity was noticed by superiors of those places where excardination for laymen was in usage, and instead of excardination they used to call it *exeat*; and in the decree under consideration it is styled *dimissio*. But whatever may be said about the word, the fact of giving letters of excardination to laymen was retained because of its resemblance to the excorporation of clerics, and also because it seemed but natural that a bishop might transfer to some other ordinary his jurisdiction over a particular subject and the right of promoting him to orders. But this seemingly easy reason is not devoid of juridical difficulties. By the ecclesiastical law which determines the competent superiors for conferring orders, the bishop of a particular diocese rather than a strict jurisdiction acquires a personal qualification and a consequent competency. This is the qualification of being *episcopus proprius*, and the competency is that of conferring orders on his subjects. Both qualification and competency are constituted by and depend on the birth or domicile of the subject, and are two conditions altogether independent of the bishop's will. It would seem, therefore, that as long as these conditions are present the bishop will never lose his competency and cease to be *episcopus proprius*; and, on

the other hand, it is not in his power to change the conditions which constitute his qualification and competency ; consequently, he cannot communicate them to others permanently. The custom, however, of granting excardination to laics was retained although not in conformity with the law, and involving some juridical difficulties, because it was the easiest way to get out of the difficulty in complying with the conditions of the Bull *Speculatores*. With the custom the word was preserved, and, no doubt, it will continue to be employed in common use.

(b) Only the bishop who is called *proprius* may give letters of excardination to his subjects ; and he is the bishop who can lawfully ordain them. Two bishops may, as a rule, be competent to confer orders on laymen, the bishop of their birth-place—*episcopus originis*—and the bishop of their domicile—*episcopus domicilii* ; hence both have the right of granting letters of excardination. In missionary countries it is a general practice to get those letters from the bishop of the birth-place, but they would be equally valid if obtained from the bishop of the domicile, provided it be the domicile necessary for ordination.

Can a vicar-general or capitular give an *exeat* ? With regard to the vicar-general, canonists, as a rule, answer in the negative ; because, although the vicar-general exercises ordinary jurisdiction, yet there are some grave matters—*res graves*—of which he cannot validly dispose without a special mandate of the bishop. Excardination is considered to be a grave matter, as it includes the possibility of proving detrimental to the welfare of the diocese ; moreover, if a vicar-general cannot, as a rule, concede dimissorial letters, there is more reason why he should be forbidden to grant letters of excardination.<sup>1</sup>

As to the vicar-capitular, the question is still disputed. Some doctors maintain that he has not such a power, because by general law he cannot make alienations or anything calculated to be injurious to the rights of the diocese and of the future bishop, and an excardination is an alienation of

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<sup>1</sup> Craisson, n. 1270 ; Lequeux, n. 236 ; Fagnanus, *De Off. Arch.*, cap. 'Significasti,' n. 2, 3.

a person from the diocese. Others hold the opposite view, for the reason that a vicar-capitular has ordinary jurisdiction, even in grave matters, with a few exceptions contemplated in the law, and if there is such an exception regarding alienations, this disposition concerns only temporal things, and it cannot be extended to the alienation of persons, being an odious law and therefore of strict interpretation. Curious enough, both sides maintain their opinion to be the more common.<sup>1</sup> In practice, however, it is prudent for a vicar-capitular to abstain from giving excommunication letters as long as his jurisdiction is not a certain one. But, both opinions being equally probable, I would be very slow in denying the validity and even the lawfulness of these letters if granted for a grave cause, and in a time when the episcopal see has been long vacant. In the Vatican Council this question was proposed in the *Schemata*, but not settled. No doubt, it will be decided in the coming code of Canon Law.

(c) For the concession of letters of excommunication a cause is required ; for in canonical legislation this act is regarded as an alienation, and always compared with the alienation of ecclesiastical properties for which a cause is necessary. This cause, however, is only required for the lawfulness and not for the validity of the excommunication. In the decree *A Primis* it is stated, 'excommunicationem fieri non licere nisi iustis de causis.' Again, the cause must be a reasonable one and not futile and frivolous ; but just cause in this connexion is not the same as urgent or necessary motive ; even in ordinary cases of utility and expediency, letters of excommunication may be granted. So a reasonable and just motive would be not only the necessity of changing climate for health sake, of changing domicile for family convenience, but also the mere utility that might result from the labours and the presence of a particular person in one place more than in some other, or the abundant supply of

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<sup>1</sup> Cf. Reiffenstuel, lib. 3, tit. 9, n. 76 ; Fagnardus, tom. i. lib. i., cap. 'De His' ; De Maior et Obed. Fermosini, *De Cap. sede vacante*, q. 92 ; Laurenus, *De Pot. Capit.*, Tract iii. c. 2, n. 507 ; Smith, i. 637 ; *Revue des Sciences Eccl.*, an. 1862.

priests in one diocese and the scarcity of them in others ; but in all cases the bishop is the judge of the reasonableness of the motives.<sup>1</sup>

As a cause is required for the excardination, no motive in asking for it is a reason for the bishop to refuse it, but if a reasonable cause exists there is scarcely any reason for the superior to refuse excardination. Old authors and responses of the Congregation of the Council clearly point to the fact that even clerics could not be kept unwillingly in the diocese when the discipline of attaching them to a particular church was discontinued ;<sup>2</sup> and if now this theory has been changed the reason is that all clerics are supposed to be attached, if not to a particular church, at least to the diocese for which they were ordained and have a *quasi-contractus* with the bishop to whom they promised obedience in their ordination. But no reason of that nature can be alleged for keeping an unwilling layman in the diocese. Laymen, unlike clerics, may leave the diocese without the bishop's permission, and establish elsewhere their domicile in order to find some other bishop competent for their ordination ; and this new law, we take it, was made to facilitate rather than to create a hindrance to the finding of a bishop competent to confer orders.

(d) An excardination in order to be valid<sup>3</sup> must be given in writing. In former times a *viva voce*, and even a presumptive, incardination, was held as valid, but the decree *A Primis* abolished it,<sup>4</sup> as the present decree requires also a written document for an excardination. The object aimed at by this disposition is to prevent abuses, to avoid future doubts and difficulties, and to have an authentic proof in controversial cases. Excardination is regarded as an alienation and its juridical effects must be proved *in foro externo*.

(e) Excardination letters must be definitive and absolute

<sup>1</sup> Many, *loc. cit.* p. 171.

<sup>2</sup> 'Clericum qui certo loco non est adscriptus ab Episcopo suo non posse retineri invitum ne a sua dioecesi discedat.'—S.C.C., 5 Dec., 1574.

<sup>3</sup> *Monit. Eccl.* x. 137.

<sup>4</sup> *Lega*, ii., 363, in note ; *Acta S. Sedis*, vol. 39, p. 211.

in form. Reservations of any kind and limitations of time are prohibited. This is not expressly stated in the decree but it is necessarily understood. Later on we shall see that letters of excardination have no effect until an incardination in a new diocese takes place, and that incorporation has to be made *absolute et in perpetuum*; if, therefore, letters of excardination are not of the same character, they will remain ineffective and useless, as the incardination cannot in the circumstances be effected.

(f) Finally, letters of excardination are to be given for a determined diocese. This is a new disposition not contemplated in the decree for the excardination of clerics. Possibly it was made with the object of preventing useless delay, and of having those letters carried out in a comparatively short time; so that it would be far easier to prove their authenticity in case difficulties were raised at the time of their execution. But whatever be the reason of this last condition, the result as to the effect of the excardination is the same; whether given in general or for a determined diocese, it has no effect until incardination takes place in a definite diocese, because the bishop, *a quo*, does not lose his competency of conferring orders until the bishop, *ad quem*, accepts it by the formal act of incardination in his diocese. An excardination involves a kind of donation of the powers of one Bishop to another, and a donation is not complete until it is formally accepted. Besides, the object of an excardination is not to make a subject free from episcopal jurisdiction and render him *quasi ovis perdita ut errans*, or *ut incertis vagetur sedibus*,<sup>1</sup> but only to enable him to be incardinated to a new diocese; and it is then, therefore, that an excardination attains its end and produces its effect.

S. LUZIO.

[To be continued]

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<sup>1</sup> Can. i., Dist. 72; Conc. Trid., Sess. 23, c. 16.

LITURGY<sup>1</sup>

## THE 'MEMORIALE RITUUM': NATURE AND EXTENT OF ITS OBLIGATION IN PAROCHIAL CHURCHES

REV. DEAR SIR,—In view of the approach of Holy Week it is, I venture to say, the desire of many parochial clergy like myself to have some information on the *nature and extent of the obligation* imposed on parish priests by carrying out in *Ecclesiis minoribus*, the sacred functions in accordance with the *Memoriale* of Benedict XIII. In particular, a few words on each of the following points in the March issue of the I. E. RECORD would be interesting and opportune.

1°. It is well known that the *Memoriale* is not carried out at the present day in many *rural* churches especially. Does, then, this custom do away with the obligation, whatever it is, that is imposed by the abbreviated ceremonial of Benedict XIII?

2°. The decree of the Sacred Congregation of Rites (n. 3813) seems to leave the blessing of candles, ashes and palms *optional* in parochial churches. Can it be regarded as so in this country where an immemorial custom exists of performing these ceremonies, and where the omission of them would cause *populi admiratio*. Moreover, if an Irish parish priest, following the Irish custom, blesses the candles, ashes and palms on the above days, may he, *tuta conscientia*, omit (in accordance with the Irish custom) all the incidental ceremonies in the *Memoriale*?

3°. Assuming there is an obligation, does it extend to the *substance* of the Rite only, or does it also embrace what may be regarded as accidental accessories, such as the distribution of ashes, candles and palms to the laity, and the procession on Candlemas Day and Palm Sunday?

4°. Where there are *three or four* priests in a parish, would it be lawful on Good Friday and Holy Saturday to omit solemn Mass and to perform the ceremonies *Juxta Memoriale* on the grounds (a) that the priests are not good musicians, and will sing the parts very indifferently, so as rather to detract from, than add to, the impressiveness of the ceremonies? (b) that the altar-boys can not easily be taught to perform their duties? (c) that it is not easy to get the choir together being unpaid? (d) that some of the priests have other duties to discharge on that day, and think themselves overworked in being asked

<sup>1</sup> Portion of the answer to first part of P.P.'s query in last issue (p. 199) was omitted by mistake. The substance of the part left out was to the effect that what applied to the First Friday was also true of the First Sunday of the month. The indulgence is restricted to this day only.

to assist at ceremonies not generally carried out elsewhere, and regarded as a 'fad' on the part of the parish priest?

Apologizing for the trouble, I remain, etc.,

PAROCHUS.

The annual recurrence of Holy Week and its ceremonial brings its customary sheaf of queries to these pages. The circumstance excites no surprise, since the general apathy in carrying out the functions that prevails in many places cannot fail to arouse conscientious scruples and stimulate the spirit of anxious heart-searching. It is, indeed, a pity that more use is not made of the impressive liturgy of this solemn season to convey, by word and symbol, the august lessons of Passion Time and imprint them more vividly on the hearts of the faithful. Is not the decorous performance of the beautiful ceremonial of these days, even in its abridged form, calculated to fire the heart with a zeal for the grandeur of Christian worship, and fix the mind upon the contemplation of the most sublime and far-reaching truths of religion?

It was the earnest wish of the Church that the ceremonies of Holy Week should be carried out everywhere, especially in cathedral, conventual, collegiate, and parochial churches, with all the formality and solemnity described in the *Roman Missal*. The growth and multiplication of parishes—many with only a limited service of clergy—soon made it apparent that these ceremonies, and also others peculiar to certain days of the year, could not be performed with the full ritual. Accordingly, in the year 1725, Benedict XIII directed that these grand services should be stripped of a portion of their solemnity and adapted to the capacity of those churches that did not possess the necessary number of clergy for their more solemn performance. This effort resulted in the publication of the *Memoriale Rituum*, which, at first intended for the parish churches in Rome, was subsequently extended to all churches of this kind throughout the world. The decree of the Congregation of Rites, by which the extension of the *Memoriale* was effected, contains these words, directing: 'Ut locorum ordinarii quoad Paroecias in quibus

haberi possunt tres vel quatuor clerici, sacras functiones feriis v., vi. ac Sabbato majoris Hebdomadae peragi studeant servata forma parvi Ritualis Jussu Ben. XIII anno 1725 editi.<sup>1</sup> A few words are necessary to explain the circumstances in which this abbreviated Ritual may be employed.

1°. The *Memoriale* contains an abridged method of carrying out, in *Ecclesiis minoribus*, the ceremonies incidental to the Triduum of Holy Week, the Feast of the Purification, Ash Wednesday and Palm Sunday.

2°. The functions of Holy Week cannot be performed in any church in which the Blessed Sacrament is not reserved.

3°. In *parochial* churches where there is a baptismal font, and in which, owing to the want of sacred ministers, the functions of Holy Week cannot be carried out in all their solemnity, the *Memoriale Rituum* is to be employed.

4°. In *non-parochial* churches (that are not conventual or collegiate) where there is no baptismal font, there is no obligation of performing the Holy Week functions. These ceremonies *may* be carried out, and laudably so, but in the manner prescribed by the *Roman Missal*, and if they cannot be performed in this solemn fashion a special Indult is required for the use of the *Memoriale*.<sup>2</sup> This the Ordinary is empowered to grant to public and semi-public oratories, for instance, with certain restrictions.

5°. The functions of Holy Thursday and Good Friday are so mutually dependent that one cannot be carried out unless the other is also performed.

6°. The functions of Candlemas Day, Ash Wednesday, and Palm Sunday may be carried out according to the abridged rite, and *sine speciali indultu* even in non-parochial churches.

7°. The *Memoriale* may be carried out *cum cantu*. This opinion is upheld in the *Ephemerides Liturgicae* against an apparently opposite view expressed in decree (n. 3505.)

To come now to the first of the queries proposed: Is

<sup>1</sup> n. 2616, nov. ed.

<sup>2</sup> Decree of the S. Cong. of Rites, n. 4049.

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there an obligation of observing the *Memoriale*, and is this obligation grave? The authors<sup>1</sup> who treat of this subject seem to imply that there is an obligation, and one that is *per se gravis*, on the rectors of parochial churches of having the prescriptions of the *Memoriale* carried out for the benefit of their flocks. The obligation is not a *personal* one as regards the parish priest. He may depute another priest to discharge it. It seems only reasonable that a *Pastor Animarum* should not be satisfied that he has done his duty unless he gives his people all the opportunities for sanctification and spiritual edification that he can easily place within their reach. And all these ceremonies are means of devotion and channels of grace, for they are *Sacramentalia*. Then, with regard to the Holy Week ceremonies, there are decrees<sup>2</sup> of the Congregation of Rites that place the matter of this obligation beyond a doubt, and it would seem unwarrantable to omit, without any solid reason, the ceremony of Holy Thursday commemorative of the institution of the Blessed Eucharist, of Good Friday so rich in its sorrowful memories, and Holy Saturday when the baptismal font should be blessed (in reference to which these strong words are found in one of the decrees referred to below: 'Ecclesia Parochialis omnino adigatur ad Functiones Sabbati Sancti servato Rit. Ben. XIII').

2. There is a decree that<sup>3</sup> has been interpreted by some authors<sup>4</sup> to mean that the ceremonies peculiar to Candlemas Day, Ash Wednesday, and Palm Sunday are *optional* in parochial churches. This is the sense attributed to it in above query. Appeltern interprets this decree in another sense. He takes it to mean that no special indult is required for the performance of these ceremonies, *Juxta ritum Ben. XIV*, even in the case of non-parochial churches such as is required for the functions of the Holy Week Triduum. There is no mention of any but *collegiate* churches in this rather obscure decree, and it seems rather strange

<sup>1</sup> Cf. Schneider, *Man. Sac.*, p. 498; De Herdt, *Prax. Lit.*, iii., n. 34,<sup>1</sup> etc.

<sup>2</sup> Cf. n.n. 2616, 2915, 2970, 4049.

<sup>3</sup> n. 3813.

<sup>4</sup> De Herdt, *Prax. Lit.*, v. iii. n. 22.

if its purport is to leave these ceremonies optional in parochial churches, since these latter in most decrees have been put upon the same level as cathedral, conventual and collegiate churches in which they are certainly obligatory. At any rate, as our correspondent points out, there is a long-established custom in these countries of performing these ceremonies, so that their omission would indeed excite the surprise of the faithful, and consequently, could not fail to be culpable unless there was a justifying cause. In the same strain are the words of a modern liturgical author of note upon this same point :

Hic tamen liceat animadvertere quod istae Benedictiones (Candelorum Cinerum et Palmarum) ex antiquissima et generali consuetudine fiunt in omnibus nostris ecclesiis parochialibus; quae consuetudo talis est, ut Parochi non sit eam in sua ecclesia abrumpere nisi prius episcopum audiat: sunt enim istae functiones publicae, quas populus expectare solet, quarum omissione non tantum valde minueretur cultus et devotio, sed daretur occasio scandali.<sup>1</sup>

On the other hand if there is in existence a custom of not carrying out the *Memoriale* in respect of any or all of the functions mentioned, and if this custom has all the requisite conditions for legitimate prescription, especially if it is known to the Ordinary and has his tacit approval, it may, perhaps, be acted on with a safe conscience.

3. The obligation of the *Memoriale* extends *per se* to all the assessories of the rite, but if these are not very material they may be omitted with sufficient reason. The distribution of the ashes seems to be more or less essential, but the candles and palms might be distributed either by the officiant himself or with the aid of intelligent clerks or altar-boys, or blessed whilst held in the hands.

4. While it is true that ceremonies when properly carried out excite the devotion and stimulate the piety of the faithful, the reverse seems to be the case when the rite is performed without any due regard to proper decorum. Speaking of the observance of ceremonial in rural parish

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<sup>1</sup> Van der Stappen, *De Sac. Adm.*, §330.

churches, Gardellini makes a remark *a propos* of the point under notice. 'Bene est,' he says, 'ut in his (Paroeciis ruralibus) omittantur functiones cum modus desit quo si non solemniter, debita saltem cum decentia peragantur.'<sup>1</sup> This principle is a sound one, and may be safely followed in practice. Its application will enable querist to solve the point raised under *a*, *b*, and *c*. As to the last point, what has been said in the foregoing pages proves that the Congregation of Rites at all events, with all due respect to the opinions of the overworked clergy, does not regard the observance of the ceremonies of the *Memoriale* as a 'fad' or a negligible quantity.

P. MORRISROE.

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<sup>1</sup> *Annotatio Super Dec.* n. 2616.

## DOCUMENTS

## EXCARDINATION AND ORDINATION

## DECRETUM

## DE EXCARDINATIONE ET SACRA ORDINATIONE

Decreto diei 20 mensis Iulii 1898, quod incipit *A primis*<sup>1</sup> Eñi S. C. Concilii Patres, probante v. m. S. P. Leone XIII, circa *excardinationem* et *incardinationem* clericorum eorumque subsequentem ordinationem, haec quae sequuntur statuerunt :

'I. *Excardinationem* fieri non licere nisi iustis de causis, nec effectum undequaque sortiri, nisi *incardinatione* in alia dioecesi executioni demandata.

'II. *Incardinationem* faciendam esse ab Episcopo non oretenus, sed in scriptis, absolute te in perpetuum, id est nullis sive expressis sive tacitis limitationibus obnoxiam; ita ut clericus novae dioecesi prorsus mancipetur, praestito ad hoc iuramento ad instar illius quod Constitutio "*Speculatores*," pro domicilio acquirendo praescribit.

'III. Ad hanc *incardinationem* deveniri non posse, nisi prius ex legitimo documento constiterit alienum clericum a sua dioecesi fuisse in perpetuum dimissum, et obtenta insuper fuerint ab Episcopo dimittente, sub secreto, si opus sit, de eius natalibus, vita, moribus ac studiis opportuna testimonia.

'IV. Hac ratione adscriptos posse quidem ad Ordines promoveri. Cum tamen nemini sint cito manus imponendae, officii sui noverint esse Episcopi, in singulis casibus perpendere, an, omnibus attentis, clericus adscriptus talis sit, qui tuto possit absque ulteriori experimento ordinari, an potius oporteat eum diutius probari. Et meminerint quod sicut "nullus debet ordinari qui iudicio sui Episcopi non sit utilis aut necessarius suis Ecclesiis" ut in *cap. 16, sess. 23 de reform.* Tridentinum statuit; ita pariter nullum esse adscribendum novum clericum, nisi pro necessitate aut commoditate dioecesis.

'V. Quo vero ad clericos diversae linguae et nationis, oportere ut Episcopi in iis admittendis cautius et severius procedant, ac numquam eos recipiant, nisi requisiverint prius a respectivo eorum Ordinario, et obtinuerint secretam ac favorem ac ipsorum vita et moribus informationem, onerata super hoc graviter Episcoporum conscientia.

'VI. Denique quoad laicos, aut etiam quoad clericos, qui *excardinationis* beneficio uti nequeunt vel nolunt, standum

<sup>1</sup> Cf. *Acta S. Sedis*, vol. 31, p. 49.

esse dispositionibus Const. "*Speculatores*" quae, nihil obstante praesenti decreto, ratae ac firmæ semper manere debent.'

Sed pluribus in locis mos iam pridem invaluerat ut quædam litteræ quasi *excardinatoriæ*, seu *excorporationis* aut *exeat* nuncupatæ, laicis quoque traderentur, eodem ferme modo ac pro clericis fieri consueverat : quibus litteris Episcopus originis laicum suæ diocesis subditum dimittebat, et ius nativum, quo pollebat eum in clericalem statum adscribendi, in alium Ordinarium transferre eique cedere videbatur : et vicissim hic illum suscipiens eum proprium subditum sibi facere, et qua talem ad primam tonsuram et ss. Ordines promovere libere posse arbitrabatur, quin aut ratione domicilii aut ratione familiaritatis subditus sibi esset iuxta Constitutionis '*Speculatores*' præscripta.

Porro evulgato decreto *A primis*, de huius praxis legitimitate disputari coepit, et plura dubia hac de re ad S. Sed. delata sunt.

Quapropter de mandato SS<sup>mi</sup> quaestione semel et iterum in hac S. Congregatione examinata, tandem die 15 Septembris 1906, E<sup>mi</sup> Patres censuerunt, permitti posse, si Sanctitas sua id probaverit, ut præfatae litteræ, quibus laici a propria diocesi dimittuntur, ab Ordinariis concedantur, earum vi extradiecesanus fieri proprius valeat Episcopi benevoli receptoris, et hoc titulo ad clericalem tonsuram et ad ss. Ordines ab eo promoveri ; dummodo tamen,

1°. Dimissio ab Episcopo proprio ex iusta causa, in scriptis et pro determinata diocesi concedatur.

2°. Acceptatio ne fiat nisi servatis regulis quæ pro clericis *incardinandis* statutæ sunt, et superius sub num. II, III, IV et V recensentur ; et servato quoque decreto '*Veniit*' diei 22 Decembris 1905, quoad alumnos a Seminariis dimissos.<sup>1</sup>

3°. Sed iuramentum ad tramitem Constitutionis '*Speculatores*' requisitum, præstandum esse ante clericalem tonsuram. Verum cum obligatio permanendi in diocesi non propria, eique in perpetuum serviendi, ante maiorem aetatem non sine difficultatibus et periculis suscipi possit, cavendum esse ab Episcopis ne ad clericalem tonsuram admittant qui aetate maior non sit.

Facta autem de his omnibus relatione SS<sup>mo</sup> D. N. Pio Papæ X ab infrascripto Secretario in audientia diei 16 Septembris, 1906, Sanctitas Sua deliberationem Em. Patrum probavit et confirmavit, mandavitque ut evulgaretur per litteras S. C. Concilii, ut omnibus ad quos spectat lex et regula esset, contrariis quibuscumque libet minime obstantibus.

Datum Romæ, die 24 mensis Novembris, 1906.

✠ VINCENTIUS Card. Episc. Praenestinus, *Praefectus*.  
C. DE LAI, *Secretarius*.

<sup>1</sup> Cf. *Acta S. Sedis*, vol. 38, p. 407.

**BISHOP'S PERMISSION FOR MASS IN THE ORATORIES OF  
RELIGIOUS**

**SECOVIEN**

AN EPISCOPO PETENDA SIT LICENTIA CELEBRANDI MISSAM IN  
ORATORIIS SECUNDARIIS RELIGIOSORUM

Rñus dñs Leopoldus Schuster, Episcopus, Secoviensis, Sacrorum Rituum Congregationi reverenter exposuit et enixe petiit, ut sequentia dubia solvantur; nimirum:

In dioecesi Secoviensi, vasta sunt quinque monasteria, nimirum tria Ordinis S. Benedicti, unum Ordinis Cisterciensis et unum Canonicorum Regularium Lateranensium; insuper permulta coenobia aliorum Ordinum Mendicantium S. Francisci et S. Dominici, S. Ioannis de Deo etc. Interdum in illis monasteriis casus accidit, ut novum oratorium e.g. pro recitando Officio tempore hiemali in aedibus monasterii erigatur simul cum altari sive fixo, sive portatili, ut ibi etiam Missa celebrari possit ab infirmis et senibus debilibus. Praeterea talia oratoria cum altari interdum etiam in domibus extraneis, quae a monasterio sive longe, sive parum distant et peculium monasterii sunt eriguntur, in quibus domibus unus vel plures Patres per aliquod tempus sive oeconomiae sive sanitatis colendae causa versantur. Hinc quaeritur:

I. Estne licentia, Missam ibi celebrandi, ab Episcopo Ordinario petenda, an sufficit necessitas vel utilitas communitatis religiosae? Et si affirmative ad secundam.

II. Valet hoc etiam de oratoriis, quae extra monasterium ipsum sita sunt, sed ad eius peculium pertinent?

Porro Sacra Rituum Congregatio, exquisita Commissionis Liturgicae sententia, reque maturo examine perpensa, ita respondere rata est:

Ad I. Si agatur de Regularibus proprie dictis, *segitive* ad primam partem; *affirmative* ad secundam, de licentia superioris generalis aut provincialis iuxta decretum n. 4007 *Super oratoriis semipublicis* 23 Ianuarii, 1899<sup>1</sup>; si vero sermo sit de aliis communitatibus, servetur decretum n. 3484 *Nivernen.* 8 Martii, 1879 ad II.<sup>2</sup>

Ad II. *Negative*, nisi adsit indultum.

Atque ita rescripsit. Die 10 Novembris, 1906.

S. Card. CRETONI, *Praefectus.*

L. ✠ S.

✠ D. PANICI, Archiep. Laodicen., *Secretarius.*

<sup>1</sup> Cf. *Acta S. Sedis*, vol. 31, p. 412.

<sup>2</sup> *Ibid.*, vol. 21, p. 307.

**A FRANCISCAN PRIVILEGE**  
**ORDINIS FRATRUM MINORUM**

INDULGETUR UT FIDELES AD LUCRANDAS INDULGENTIAS NON  
TENEANTUR PRAE MANIBUS HABERE CORONAM SEPTEM  
GAUDIORUM

*Beatissime Pater,*

Procurator Generalis Ordinis Fratrum Minorum se ad Sanctitatis Tuae pedes humillime provolvit, enixe implorans in favorem Coronae Septem Gaudiorum, ut fideles recitationi publicae eiusdem Coronae in ecclesiis Trium Ordinum Sancti Patris Francisci adsistentes, atque aliis in recitatione ipsa sociati, indulgentias lucrari valeant, quin Coronam materialem prae manibus teneant; itemque, ut quoties duo vel plures eandem simul Coronam recitaverint, sufficiat recitationem moderanti Coronam materialem habere, ceteris vero, amotis occupationibus applicationem animi impredientibus, moderatori in recitatione sociari, prouti pro Rosario et Crucifixis Viae Crucis, et signanter pro Corona Septem Dolorum Virginis a Sacra Congregatione Indulgentiarum die 8 Iunii 1898 indultum est, ne secus fideles Coronam non habentes tot indulgentiarum thesauro saepius remaneant in recitatione expertes. Et Deus etc.

Sanctissimus Dominus Noster Pius PP. X, in audientia habita die 12 Septembris, 1906, ab infrascripto Cardinali Praefecto Sacrae Congregationis Indulgentiis Sacrisque Reliquiis praepositae, benigne annuit pro gratia in omnibus iuxta preces, caeteris servatis de iure servandis. Praesenti in perpetuum valituro, absque ulla Brevis expeditione. Contrariis quibuscumque non obstantibus.

Datum Romae, e Secretaria eiusdem C., die 12 Sept., 1906.

A. Card. TRIPEPI, *Praefectus*.

L. ✠ S.

✠ D. PANICI, Archiep. Laodicen, *Secretarius*.

**INDULGENCE FOR CARRYING THE ROSARY**  
**ORDINIS FRATRUM PRAEDICATORUM**

RENOVATUR INDULGENTIA IAM AB INNOCENTIO VIII SS. ROSARIUM  
DEFERENTIBUS CONCESSA

*Beatissime Pater,*

Fr. Hyacinthus M. Cormier, Magister Generalis Ordinis Fratrum Praedicatorum, ad pedes S. V. provolutus, exponit quod Innocentius VIII in Bulla *Splendor aeternae gloriae*, diei 26 Februarii 1491, ita edixerat :

‘Nos cupientes ut ipsi confratres et consorores sedulius Rosarium praedictum ob Virginis Mariae reverentiam deferant . . . quo ex hoc dono caelestis gratiae uberius conspexerint se fore refectos, de Omnipotentis Dei misericordia ac Sanctorum Petri et Pauli Apostolorum eius auctoritate confisi, volumus, et auctoritate Apostolica ordinamus et concedimus, ac omnibus et singulis confratribus et consororibus conscriptis, vere poenitentibus, nunc et pro tempore existentibus, Rosarium deferentibus *centum annos et totidem quadragenas* indulgentiarum de iniunctis sibi poenitentiis misericorditer in Dño indulgemus. . . . Praesentibus perpetuis futuris temporibus duraturis.’

Cum autem huius Indulgentiae mentio non reperiatur in catalogo indulgentiarum, die 29 Augusti, 1899, a fel. rec. Leone PP. XIII approbato, quo edicitur ‘quascumque alias indulgentias confraternitatibus Sanctissimi Rosarii tributas, abrogatas, seu revocatas esse censendas,’ praedictus Magister Generalis, suo et omnium SS. Rosarii confratrum et consororum nomine humiliter et enixe Sanctitatem Vestram rogat, ut praedictam centum annorum et totidem quadragenarum indulgentiam, semel in die lucranda, ab iis qui Rosarium apud se, ob Beatae Virginis reverentiam, devote gestaverint, renovare, renovatamque declarare dignetur.

Et Deus . . .

*Iuxta preces in Domino.*

Die 31 Iulii an. 1906.

PIUS PP. X.

## NOTICES OF BOOKS

**DOCTRINAL HYMNS.** With the Life of our Lord in the Mass. By the Most Rev. Archbishop Bagshawe, late Bishop of Nottingham. London: Art and Book Company.

ARCHBISHOP BAGSHAWE is one of the oldest and one of the best friends of Ireland in England. Through good and evil report he has remained faithful and steadfast in his love of Ireland and her people, and in his desire to serve them. Irishmen on their side have always entertained the deepest regard and affection for His Grace, and now that he has retired from the arduous labours of the pastoral office, which he filled so long and so faithfully, they are proud to see that his intellectual gifts are unimpaired and are employed in noble and worthy service suited to his years and position.

This collection of hymns is, he tells us, the result of attempts made from time to time to express devotionally in verse the Church's doctrine on some of the principal mysteries of the faith.

We are glad that His Grace has had leisure to collect and publish these beautiful poems. They reflect credit on the Catholic Church in England, and help to perpetuate in it a very noble tradition which in every age has gathered strength and dignity as it grew.

Deep faith, tender piety, humble and dutiful recognition of Almighty power, bold and manly devotion to the Church, and her teaching, are the dominant notes of these poems. The form in which these high thoughts and feelings are expressed is also worthy of the theme. Indeed from the point of view of form alone we regard them as among the very best religious poems that have appeared in our time. There is, perhaps, no one of them that will ever compare with 'Lead Kindly Light'; but as far as form is concerned they will compare very favourably, in our opinion, with the hymns of Faber and Keble. We might, of course, have a reservation to make here and there. The Blessed Trinity can strictly be addressed as 'Thou,' but the idea of three also imposes itself and makes one feel that there is something wanting in the æsthetic effect; but on the whole we have nothing but praise for these

beautiful poems, and we sincerely congratulate their illustrious author on his undoubted success as a sacred poet.

J. F. H.

Ἰσχυρίτιν ἡσυχίας-ῥάσματος. The Confession of St. Patrick, in Latin, Irish, and English, By the Rev. Patrick Dinneen, M.A. Dublin: M. H. Gill & Son, Ltd.

EVERY Irishman should read this admirable little work. The Confession of St. Patrick is, perhaps, the oldest work extant written by an Irishman, if we can call one who lived, laboured, and died for Ireland, though not born in Ireland, an Irishman. In his Confession, the soul of a great man, for such Patrick undoubtedly was, speaks openly to all, revealing profound humility and sublime exaltation of spirit, dauntless courage, and unswerving confidence in God with whom Patrick was so intimately united.

To the Irish Revival and the Gaelic League, or rather, as Canon O'Leary puts it, to the Hand of God working with these instruments, we latter-day Irishmen owe much that makes life worth living. It was a happy thought of Father Dinneen, a delightfully appropriate inspiration, that induced him to turn Patrick's simple and forceful Latin into our own Irish and also into English. We are grateful to Father Dinneen. His work is beautifully done. The Irish version is as simple and as strong as Patrick's own Latin. It is the fresh, vigorous, racy Irish of the people, the kind of Irish we want, and the kind of Irish we expect from Father Dinneen and from the three gentlemen whose 'good help' he acknowledges in the Preface. There is depth of thought in this book, deeper than the sea, and sublimity of conception, as high as the heavens. The Irish of the book is vigorous, racy, simple, idiomatic, fresh as the Atlantic breezes that blow from Dingle and Valentia to Carrignavar and Ballymacody. Every Irishman should study the book, which is the refreshing fruit of Irish labour. We cannot know our own Patrick well till we read his revelation of himself.

Some light is thrown incidentally on contemporary history by Patrick: 'Hiberione in captivitate adductus sum cum tot millia (i.e. millibus) hominum,' § 1. The expeditions of the Scoti to Britain and the Continent must have been on a large scale when they took 'thousands' of prisoners. 'Fili Scottorum et filiae regulorum monachi et virgines Christi esse videntur.' This is surely a powerful proof of the thoroughness of Patrick's apostolic work.

'Protinus navigavimus,' § 18, should be translated 'so

τοῖς ἀνδράσι διὰ τοῦτο διὰ τὸν λόγον' not 'οὐ τοῖς ἀνδράσι διὰ τοῦτο, ἡγούμην.'

§ 32. 'Dominus qui maior omnibus est'—νά κάθ' might be added to 'ὁ γὰρ ἐστὶν ἰσχυρότερος.'

§ 34. 'Ut indubitabilem eum sine fine crederem'—ἡ ἀσφάλεια or ἡ ἀντοχή might be added to or inserted in 'νάρι μὴτε ὅτι μὴ ἰσχυρότερος οὐκ ἔστιν ἀντιπαραστήσειν.'

§ 54. 'Ἦν ἐπὶ τοῦτο' should, I think, be 'Ἦν ἐπὶ τοῦτο' or 'Ἦν ἐπὶ τοῦτο.'

§ 56. Should not 'Ἦν ἐπὶ τοῦτο μοι ὅτι' be 'Ἦν ἐπὶ τοῦτο μοι ὅτι'? Again, in § 58, 'Ἦν ἰσχυρότερος μοι ὅτι'? No doubt usage justifies such a phrase.

It is good for an Irish soul to read 'Ἦν ἰσχυρότερος ἰσχυρότερος.'

Ἦν ἰσχυρότερος.

ESSAYS IN PASTORAL MEDICINE. By Austin O'Malley, M.D., Ph.D., LL.D., and James J. Walsh, M.D., Ph.D., LL.D. New York, London and Bombay: Longmans, Green & Co. 1906. Price 10s. 6d. net.

THE names of the two writers are sufficient guarantee for a masterly treatise, as Dr. O'Malley and Dr. Walsh are well known in America, not only in professional but also in educational circles. Dr. O'Malley is Pathologist and Ophthalmologist to St. Agnes's Hospital, Philadelphia; and Dr. Walsh is Adjunct Professor of Medicine at the New York Polyclinic School for Graduates in Medicine, and Professor of Nervous Disease and of the History of Medicine at Fordham University, New York. Their aim in writing is best expressed in their own words:—

'The material of pastoral medicine requires constantly renewed discussion, because medicine in general is progressive enough frequently to devise better methods of diagnosis and treatment, and thus the postulates of the moral question involved are changed. . . . The facts upon which the ethical part of pastoral medicine rests are furnished by the physician for the consideration and judgment of the moralist—the physician educated after modern methods knows little or nothing of ethics and cannot himself make accurate moral decisions. The moralist, on the other hand, is commonly a poor counsellor to the physician, because long training in medicine is needed before the physical data of the moral decision is comprehended.'

In confirmation of this view the writers appeal to the fact that in a discussion on an important question, in the *American*

*Ecclesiastical Review*, in 1898, the distinguished moralists and leading gynæcologists who took part in it could arrive at no decision. While we cannot admit that Dr. O'Malley has reconciled theology and medicine on the question then under discussion—ectopic gestation—and he might read the decree of March, 1902, bearing thereon—still the book on the whole is easily one of the best contributions to pastoral medicine, and has the advantage of being up-to-date.

For the benefit of the prospective purchaser we will indicate some of the subjects discussed: Ectopic Gestation, Pelvic Tumours in Pregnancy, Abortion, Miscarriage and Premature Labour, the Caesarean Section and Craniotomy, Maternal Impressions, Human Terata and the Sacraments, Social Medicine, Some Aspects of Intoxication, Heredity, Physical Disease and Moral Weakness, Hypnotism, Suggestion and Crime, Unexpected Death in Special Diseases, The Moment of Death, The Priest in Infectious Diseases, School Hygiene, etc.—thirty subjects in all being dealt with.

The book has also the merit of being written in a clear, interesting, and often forceful style, and reminds one of Pope's dictum that 'the proper study of mankind is man.' While not agreeing with everything that has been said, from a theological point of view, we can implicitly rely, because of the high authority of the writers, on all that has been said from the standpoint of medicine—and this, of course, is what the priest needs—and, accordingly, we can strongly recommend it as a very valuable addition to a priest's library. The publishers are to be congratulated on having done their work in their usual efficient style.

P. A. B.

THE MOORES OF GLYNN. By the Rev. J. Guinan. London : R. T. Washbourne. 1907.

FATHER GUINAN's new book, *The Moores of Glynn*, has some great qualities, notwithstanding rather serious defects. The author's descriptive powers are admirable, his kindness and sympathy communicative, his love of the poor and humble worthy of his cloth, and his capacity for transforming a scene of real life into an ideal picture difficult to surpass. There are passages in the book that are worthy of a first-class novelist, and scenes that only an Irish priest can fully realize and truly depict. But whilst we admire the author's sympathy with the poor and their troubles, why should we hesitate to discountenance in works of this kind the continued presentation of scenes

of such unutterable woe, misery, sadness, sorrow, and gloom, as fill these pages? We may be told that they depict realities. Our reply is that realities in order to be acceptable must be artistic. It is bad enough to have the realities without having them multiplied as many times as there are copies in the edition of the book. You are no sooner out of one sad scene than you are into another. Such scenes when they do occur in the works of great writers are often relieved by the wit and originality of the writer. Father Guinan is too desperately in earnest to be witty, and too closely bound to his characters to depart even for a little from their company. The work, however, is a great advance on anything he has yet done. Given a suitable theme and a proper conception of it, there is no reason why he should not furnish us with a first-class novel—a thing we badly need. We might add that we should like a little more restraint in dealing with neighbouring nations. It is after all more befitting a Christian to love his enemies than to scourge them: particularly when the scourging does them no good and is not well administered.

J. F. H.

#### DAS ALTE TESTAMENT IM LICHT DES ALTEN ORIENTS.

A. Jeremias. Second edition, enlarged and revised  
Leipzig: Hinrich.

THIS well written work contains within a small compass (624 pp. 8vo) the most recent information gained from all the discoveries in Assyria and Babylonia. What Vigoroux's well known work, *La Bible et les decouvertes modernes*, was in its latest edition, or what Hilprecht's one was some years ago, that Jeremias's one is at the present day. The author who is himself an Assyriologist of high repute is entitled to far higher respect, because he is a firm believer in the veracity of Scripture. With the scientific knowledge at his command he easily disposes of the vagaries of Wellhausen, Delitzsch, etc. The chapter on Babylonian religion is not only most interesting, but presents a very complete view of the subject. His book, though much smaller than Winckler's and Jensen's new edition of Schrader's *Das A. T. und die Keilinschriften*, is preferable in many respects. We may notice that he makes Merneptah the Pharaoh of the Exodus, which event he thinks took place c. 1250. This date is, however, not early enough for the requirements of Scripture chronology.

R. W.

**A HEBREW AND ENGLISH LEXICON OF THE OLD TESTAMENT.**

With an Appendix containing the Biblical Aramaic.  
Edited by Francis Brown, D.D., S. R. Driver, D.D.,  
and Charles Briggs, D.D. Published by the Clarendon  
Press. 1906.

WITH Parts XII and XIII, which lie before us, the Oxford Hebrew Lexicon edited by Drs. Brown, Driver and Briggs, has reached its completion. English-speaking Orientalists and students of the Old Testament have already come to recognize, during the course of its publication, the very extraordinary value of this new edition of the Lexicon of Gesenius. The final section contained in Parts XII and XIII is well up to the level of the earlier portions of the Lexicon. The dictionary of Biblical Aramaic is extremely convenient and practical. No student of Semitica can afford to dispense with the immense help which the new Hebrew Lexicon gives. The enormous development of Semitic study in recent years has not served to lighten the task of producing such a Lexicon as this new English edition of Gesenius. A glance at the references will give some slight notion of the amount of untiring labour and extensive scholarship which the production of this Dictionary has required. And even now, in spite of the fourteenth edition of the German Gesenius which appeared a year ago, and of the now completed Oxford Lexicon we may still look for developments in Hebrew Lexicography so long as there still remain unexplored regions of cuneiform and other Semitic literature. But such developments cannot be very extensive, and meanwhile Orientalists will be contented to believe that the Oxford Lexicon now finished presents the high-water mark of Hebrew Lexicography.

P. B.

**SPECIAL INTRODUCTION TO THE STUDY OF THE OLD TESTAMENT.** By Rev. F. E. Gigot, D.D. Part II. Didactic Books and Prophetic Writings. Benziger Bros. 1906.

IN this second part of his *Special Introduction to the Study of the Old Testament*, Father Gigot takes up each of the didactic and prophetic books of the Old Testament in turn. He explains the names of each book, analyses its contents, and discusses objectively the question of its origin and scope. Everywhere we find

the same clearness and comprehensiveness of statement which characterize Father Gigot's *General Introduction* and the first part of his *Special Introduction*. The present-day conditions of Biblical study in so far as it affects the understanding of the didactic and prophetic portions of the Old Testament, is clearly and fully stated. In all the difficult problems which arise—such, for instance, as the possibility of Maccabaeian Psalms, the unity of Isaiah, and similar questions—Father Gigot displays a very praiseworthy objectiveness. His tendency is not that of the over-anxious conservative critic who prefers to ignore rather than to face the difficulties of modern criticism. But neither is the author in any sense an ultra-progressivist for whom the traditional, as such, is worthless. The work is so neatly arranged and so well sub-divided that it cannot fail to be eminently useful and attractive to the student. There is no other work of a similar character which puts within reach of the student so much useful scholarship. It is, perhaps, hypercriticism to refer to any slight defect of a work which is in general so excellent. But we should have liked to find the subject of Hebrew poetry more fully discussed in the introductory pages. The authorities referred to in the section on Hebrew verse are scarcely recent and representative enough in view of the importance which Hebrew Metrical studies now hold in regard to the textual criticism of the Old Testament.

The appearance of the work is attractive, and its very moderate price puts it within the reach of all students.

P. B.

GLAUBEN UND WISSEN. Professor P. Einig. Trier : Paulinus-Druckerei. 1906.

A COLLECTION of essays and addresses were offered to the Bishop of Trier last year on the occasion of his jubilee. The subject of this one is the need which faith and theology have of science, and reciprocally the need which human science has of them. It is written by a theologian who has already in his treatises, *De Deo uno et trino*, *De Eucharistia*, exemplified the application of these principles. All that he says is fully in accordance with the teaching of Leo XIII and Pius X, and it cannot be read without profit.

J. L.

# The Irish Ecclesiastical Record

A Monthly Journal, under Episcopal Sanction.

Fortieth Year  
No. 472.

]

APRIL, 1907.

[ Fourth Series.  
Vol. XXI.

**Fr. Jerome Saccheri, S.J., Originator of the Non-Euclidean System of Geometry.**

*Rev. H. Jiménez, S.J., St. Bueno's, North Wales.*

**Dialogues on Scriptural Subjects: The Pentateuch.—IV.**

*H. D. L.*

**Ireland and Bohemia.**

*Richard J. Kelly, Esq., B.L., Dublin.*

**Evolution and Theory of Immanence: 'Lex Orandi'—III.**

*Rev. Daniel Coghlan, D.D., Maynooth College.*

**Sources of Irish History.**

*Tomas Ua Nuallain, M.A., Dublin.*

**Notes and Queries.**

**THEOLOGY.** *Rev. J. M. Harty, D.D., Maynooth College.*

Does delegation to assist at Marriage cease at the death of the Parish Priest who gave it? Celebration of Mass without an Altar-Stone. Retention of Quasi-domicile.

**CANON LAW.**

*Rt. Rev. Mgr. Luzio, D.D., D.Ph., D.C.L., Maynooth College.*

Letters of Incardination to Laymen.

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**Notices of Books.**

A Privileged Soul. Poems of J. B. Tabb. Daniel O'Connell: his Early Life and Journal. Grammatik des Jüdisch-Palästinaischen Aramaisch. Guide de Bleser-Roger a Rome. Les Idées de M. Loisy sur le Quatrième Évangile. Einleitung in das N. Testament. The Principles of Christianity. Die Psalmen nach dem Urtext. Luther und Luthertum. Kyriele seu Ordinarium Missae. Kyriele sive Ordinarium Missae. Didascalia et Constitutiones Apostolorum. An Indexed Synopsis of Newman's 'Grammar of Assent.' Dictionnaire de Philosophie.

*Nihil Obstat.*

TERENTIUS O'DONNELL, S.T.D.,  
Censor Dep.

Imprimi Potest.

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## F. JEROME SACCHERI S.J. ORIGINATOR OF THE NON-EUCLIDEAN SYSTEMS OF GEOMETRY

### I.

**D**URING the long period of 150 years the name of Saccheri<sup>1</sup> was consigned to intellectual burial. It was only in 1889 that Beltrami brought to light the name of the illustrious Jesuit, and his book on non-euclidean systems was registered in the records of geometrical research. Since then, Father Saccheri has occupied the place he deserves among mathematical thinkers, such as Lobatschewsky, Riemann, Gauss, and Klein, and his work *Euclides ab omni naevo vindicatus* has been given to the scientific world by George Bruce Halsted, in the *American Mathematical Monthly*, in 1894, by Engel and Staekel, *Die Theorie der Parallelinien von Euklid bis auf Gauss*, Leipzig, 1895, and more recently in Italy by Giovanni Boccardini in 1904.

All evidence goes to show that Saccheri's work failed to attract attention on the part of his contemporaries. Mansion says that three years after its publication, namely, in 1736, a notice of it was given in *Acta Eruditorum*, but it was very superficial. Nobody foresaw the transcendent worth of the little book, and even we are inclined to believe

---

<sup>1</sup> Saccheri was born in San Remo, on September 5, 1667.

that the author himself was unconscious of the stride he was making in the science of Euclid.

By submitting to discussion the possibility of non-euclidean systems he made inquiries in fields never investigated before his time, and opened for his successors the way which has led to the most wonderful discoveries and has enlarged the bounds of philosophical and geometrical knowledge. It is true that Saccheri almost destroyed the building so brilliantly built up by his powerful brain ; for when he strove to demonstrate the impossibility of the non-euclidean hypotheses, he kept himself from going further on the way he had paved for others. Had he continued his investigations in the direction in which he started, he would not have dropped from his hands the scientific laurels which have been taken up by other thinkers after him. Still the conclusions at which he arrived when discussing non-euclidean systems, are of the greatest importance in the records of mathematical research, as they were drawn up a century before Lobatschewsky delivered his lectures in the University of Kazan, or Riemann read his famous memoir in 1854.

In giving our opinion of Saccheri's work we must bear in mind that, although possessed of clear intellectual powers well fitted for mathematical investigation, he was not a mathematician in the sense that he devoted the whole of his time to this branch of science. The mere enumeration of the duties he fulfilled and the books he wrote will make it clear that his geometrical researches were intermingled with studies of a very different character. He was Professor of Grammar in Milan, and lectured on Philosophy in Turin, and on Mathematics and Theology in Pavia. Twelve books are mentioned by Father Somervogel<sup>1</sup> as having been written by Saccheri,

---

<sup>1</sup> The first book published by Saccheri, in 1693, was, *Quaesita Geometrica a comite Rugiero de Vigintimilliis omnibus proposita ab Hieronymo Saccherio, S.J., soluta*, etc. In 1694, a second edition of this book was printed with the title, *Sphynx Geometrica seu Quaesita Geometrica proposita et soluta* (Somervogel, Bibliothèque de la Compagnie de Jésus, tome vii). It is the only evidence we have of Saccheri's work in Geometry.

the greater part of them dealing with theological matters. It was only a few months before his death on October 25, 1733, that his *Euclid* was printed. This circumstance, joined with his reluctance to break with the old methods by openly admitting theories which entailed a fundamental change in the science, contributed, no doubt, to prevent Saccheri from going too far in his own investigations.

## II.

We are now to consider how Saccheri framed the three geometrical systems which have made his name illustrious in the history of Science. It is not our intention to develop the thirty-nine propositions which are contained in this little book of his; we shall confine our attention to the general lines of his theories, so as to make our readers acquainted with the most important theorems on which he based geometrical science.

Saccheri takes as a starting point for establishing his hypothesis a quadrilateral  $ABCD$ , in which the angles  $A$  and  $B$  are right angles, and the side  $AC$  equal to  $BD$ . The other two angles ( $C$  and  $D$ ) being equal, there are three possible hypotheses as to their nature, which we may call the hypothesis of the right angle, of the obtuse angle, and of the acute angle. In other words we have already encountered in this proposition of his the systems of Euclid, Riemann, and Lobatschewsky.

Before going further in his investigations, the author proves in propositions v, vi, vii, that the demonstration of any one of these hypotheses for a particular case, implies that it is universally and necessarily true; and on this basis he builds up his theories and points out the different consequences which follow from each system.

One of the first conclusions at which he arrives by the simple inspection of the said hypotheses, is that in the systems of the right and obtuse angles, a perpendicular and an oblique to the same straight line always meet in one point (he proves this in propositions xi, xii); but in the third system it is possible to determine an oblique  $BX$  to

a straight line AB (Fig. 1a) which does not meet the perpendicular AK.

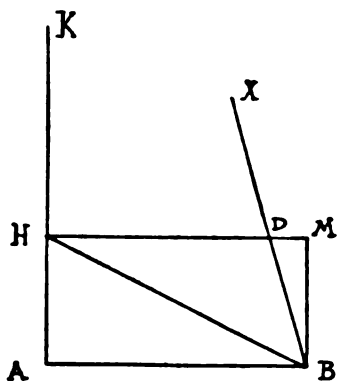


Fig. 1<sup>a</sup>

Let ABHM be a quadrilateral in which the angles A, B, and H are right angles: the conditions of the theorem imply that in this case the angle at M is an acute angle. If we join BH, the angle BHM will be an acute angle too; hence the perpendicular from B to HM, which cannot be BM (let us suppose then, that it is BX), meets HM in a point D between H and M. Therefore, the straight lines AK and BX, which form right angles with HM, cannot meet in one point.<sup>1</sup>

In Lobatschewsky's Geometry two perpendiculars to the same straight line do not meet. This proposition is not true in Riemann's system, in which the postulate of the straight line—namely, 'that there is a line which is determined by two of its points'—is not verified. Anyone who has the slightest acquaintance with the theories of Riemann and Lobatschewsky, knows that the sum of the three angles is greater than two right angles in the triangles of Riemann, and less than two right angles in those of Lobatschewsky. This important conclusion did not escape Saccheri's perspicacity. In proposition ix, he proves that 'In a right-angled triangle, the sum of the two acute angles is equal to, greater than, or less than one right angle,

<sup>1</sup> Euclid, i., 17.

according as we adopt the hypothesis of the right angle, obtuse angle, or acute angle.' The demonstration of this theorem is based on the following lemma (Fig. 2a) :—

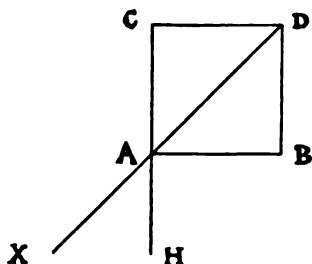


Fig. 2a.

Let  $ABD$  be a right-angled triangle. If we produce the side  $DA$  and draw the perpendicular to  $AB$  at the point  $A$ , the external angle  $XAH$  is equal to  $ADB$  in the first hypothesis, less than  $ADB$  in the second, and greater than  $ADB$  in the third.

Demonstration : Take  $AC=BD$ , join  $C$  to  $D$ . In the first case  $CD=AB$ , and therefore  $CAD$  (or  $XAH$ )= $ADB$ . In the second,  $CD < AB$ , as it is demonstrated in proposition iii, and  $XAH < ADB$  or  $CAD < ADB$ . In the third,  $CD > AB$  ;  $CAD > ADB$ .

Whence, in the geometry of the right angle,  $ADB+HAD$  is equal to two right angles, subtracting the angle  $HAB$ ,  $ADB+BAD$  is equal to one right angle.

In the geometry of the obtuse angle,  $ADB+HAD$  is greater than two right angles, and  $ADB+BAD$  greater than one right angle.

In the geometry of the acute angle,  $ADB+HAD$  is less than two right angles,  $ADB+BAD$  is less than one right angle.

In proposition xv Saccheri shows that it is possible to establish the same three systems by taking a triangle and making the three hypotheses about the sum of its angles, namely, that it is equal to, greater than, or less than two right angles.

We shall come to the same conclusion from a quadrilateral  $ABCD$  as starting point, according as  $A+B+C+D$  is equal to, greater than, or less than four right angles ; or from

the inscribed angle in a semicircle, which is a right angle, an obtuse angle, and an acute angle respectively in each of the three systems (prop. xvi-xviii).

Before concluding the present article, we shall call the attention of our readers to a striking coincidence between the systems of Saccheri and Lobatschewsky, which almost persuades us that the *Euclides ab omni naevo vindicatus* was not altogether unknown to the Russian professor. The fundamental postulate of Lobatschewsky, which in his Geometry replaces that of Euclid, runs as follows :—

All straight lines in one plane which radiate from a given point, can, with respect to any other straight line in the same plane, be divided into two classes, the intersecting and the non-intersecting. The boundary line of the one and the other class is called parallel to the given line.<sup>1</sup>

Therefore, according to Lobatschewsky, through a given point A (Fig. 3a) external to a straight line BX, it is possible to draw two parallel lines to BX; namely, the boundary lines AX<sup>1</sup>, AY<sup>1</sup>, so that none of the straight lines contained in the angle X<sup>1</sup>AZ or Y<sup>1</sup>AW meet BX, and all those contained in the angle X<sup>1</sup>AB or Y<sup>1</sup>AB do.

In proposition xxii Saccheri distinguishes three different positions with regard to two straight lines in the same plane: 'either they have a common perpendicular, or they meet in a finite point, or they approach indefinitely to each other [that is to say, the distance between them decreases continually without vanishing.]' Afterwards, as a consequence of the theorems developed in the following numbers, he brings forward this remarkable conclusion :—

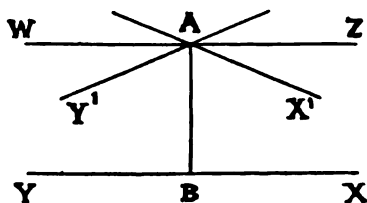


Fig. 3a.

<sup>1</sup> *Encyc. Brit.*, vol. xxviii, 'Geometry.' Translation given by Halsted.

In the hypothesis of the acute angle, an angle  $X'AB$  (Fig. 3a) can always be determined such as that  $AX'$  does not meet the perpendicular  $BX$  to  $AB$  at the point  $B$ . All straight lines contained in the angle  $X'AB$  meet  $BX$ ; and all which form with  $AB$  an angle greater than  $X'AB$ , or a right angle, have a common perpendicular with  $BX$  at a finite distance.

With respect to Riemann's postulate as to parallel lines, namely, that two straight lines in the same plane always meet, it is implied in Saccheri's proposition xiii: 'In the obtuse-angle hypothesis,' he says, 'Euclid's postulate v is verified, so that two straight lines  $AD$ ,  $XL$  which form with a third  $XA$  internal angles not supplementaries, meet in the direction in which the sum of the said angles is less than two right angles.'

[§] We have already pointed out the proceedings by which Saccheri unfolds his theories. Perhaps it will not be altogether unwise to suggest the idea of putting the little book into circulation, not only as a historical monument but as a treatise in which the fundamental principles of Geometry are discussed. A short note to the places in which the author's arguments fail, as for instance, when he intends to demonstrate the impossibility of non-euclidean hypotheses, will make the book extremely useful. It has been done in Italy, where Professor Boccardini has popularized the name of this illustrious predecessor of Riemann and Lobatschewsky.

H. JIMÉNEZ, S.J.

## DIALOGUES ON SCRIPTURAL SUBJECTS: THE PENTATEUCH

### DIALOGUE IV.

**P.** O'F.—In our first interview, you told me that there are two classes of arguments for the Mosaic authorship of the Pentateuch. You have given me an exposition of the external arguments—which I have followed with much interest—will you now kindly explain to me in what the internal arguments consist?

**FR. O'B.**—Most willingly. Before doing so, however, I would ask you not to forget what I told you then—that the question: Who is the author of the Pentateuch is one of fact, and facts are to be proved by witnesses and not by abstract reasoning. Hence the arguments taken from the witness of tradition, are, in such cases, of primary importance, and internal arguments on the other hand, whether for or against, are of secondary importance. The reason I impress this on you again is, because I have just glanced through a brochure recently published, consisting of two letters, one by an ex-Presbyterian minister, now a member of the Episcopal Church in America, the Rev. Charles Briggs, and the other by a Catholic layman, Baron Von Hügel, both hostile to the late decisions of the Biblical Commission, in which this elementary distinction seems to be ignored or belittled. Here is how this learned clerical professor speaks about the external argument: 'But the critics have carefully and thoroughly examined all the evidence, and find it amounts to nothing more than a floating tradition, without historical basis, without verification, and without authoritative vindication of any kind.' When, therefore, our Blessed Lord said to the Sadducees, 'And as concerning the dead that they rise again, have you not read in the *book of Moses*, how in the bush,' etc. (Mark xii. 26); or again (Mark x. 5), speaking about

divorce, He said, 'Because of the hardness of your heart he [Moses] wrote that precept,' He, our Blessed Lord, spoke these words 'without historical basis, without verification, and without authoritative vindication of any kind.' So much for the reverence of this critic for the words of Jesus Christ. And speaking of internal arguments in favour of the Mosaic authorship he says, 'the proofs furnished by internal criticism of the text are new to me.' An extraordinary confession for one who sets aside so dogmatically the decision of the biblical scholars who compose the Papal Commission; the insinuation being, that because they are new to him, therefore they do not exist.

Furthermore, let me direct your attention to the language used by him regarding the external arguments. 'The critics,' he says, 'have carefully examined.' The assumption here is, that he and persons like him, who reject the Mosaic authorship, deserve the name of 'the critics.' On the other hand, all those who uphold the traditional view are no critics at all, but are, as he terms them, 'anticritics,' that is to say, any persons who agree with the conclusions of the Rev. Mr. Briggs' criticism of the Pentateuch are worthy of the name of critics; but those who criticize his criticisms or differ from them, are mere obscurantists, unworthy of the name of critics. They are in fact anticritics. Though I am not certain that the writer of that letter is a rationalist, you have in it as good a specimen of the rationalistic style of argumentation as you could desire. Later on I may return to this pamphlet.

P. O'F.—I am now desirous to hear your internal arguments in favour of the Mosaic authorship.

FR. O'B.—Before I introduce you to them, remember, please, that I am not writing a treatise on this subject, I am merely laying down what I consider sound principles to guide you, and expounding the main lines of argument on which such discussions ought to be conducted. Hence you must not expect me to go into minute details. I will give you some specimens or illustrations which may be a guide to you in weighing and sifting arguments on the subject.

By internal arguments in general I mean certain characteristics which appear either in the matter, or language, or style, or other circumstances connected with a book which would indicate that a certain person was or was not its author, or that it belonged to or did not belong to a certain epoch. As a child reflects the disposition and almost the features of the parent, so does a book in a broad sense the characteristics of its author. Applying this to the Pentateuch, by the internal arguments I mean that the Pentateuch contains internal features or qualities in its subject-matter, language, and style which point to Moses and to him alone as its author. It may be well to tell you before hand, that I do not claim for these internal arguments, considered severally, conclusive proof of my contention, but when taken collectively, I hope you will see that their cumulative force is such as to bring conviction to the mind of unprejudiced persons, or at least that they are strongly confirmative of the external arguments which I have already expounded.

P. O'F.—Please let me hear your exposition of this important point.

FR. O'B.—Here it is. From an examination of the subject-matter of the Pentateuch, the language in which it was written, the style, and other characteristics, one can glean that the author was an ancient one who lived in the early days of the Hebrew Commonwealth, that he belonged to the Hebrew race, was reared up and educated in Egypt, that he took part in the wanderings of the Israelites in the desert, that he was their leader and law-giver, and that, though he came in sight of, he never entered the land of Chanaan. Now there is only one man in whom all these characteristics are verified, and that is Moses.

P. O'F.—Few will question the latter statement, but I should like to hear your proofs of the others.

FR. O'B.—If you read carefully the simple, unadorned, yet graphic description the author gives of the times and customs of the ancient patriarchs, of their homely pastoral

lives, also of all those things that refer to their public polity and domestic arrangements, the laws governing sacrifices, festivities, marriages, burials, education and the like, you cannot help feeling that the writer, whoever he was, had either personal experience or knowledge derived from a certain and recent tradition of the things he was writing about. You must remember, that though in those early times the years were many, the generations bearing down traditions were few on account of the longevity of man. His description of all these things is so natural, detailed and minute that it is not easy to conceive how the writer could have been one who lived centuries after the events described as is alleged by the opponents of the Mosaic authorship. He could not do it without anachronisms.

P. O'F.—Pray, what do you mean by that?

FR. O'B.—I mean that no writer, who lived centuries after the events described in the Pentateuch, could so divest himself of his actual surroundings as not to introduce into his writing some traces of the different times, customs and circumstances in which he himself was living. Imagine my undertaking to write minute details of the lives, laws and customs of the people of this country during the Middle Ages in such a way as to correspond exactly with what then actually existed, without betraying a single trace of my surroundings of the twentieth century in which I live. To me, it seems an impossible hypothesis. If you wish for an illustration of what I am saying, I would recommend you to read the history of the marriages of Isaac (Genesis xxiv.), of Jacob (Genesis xxvii.), as well as the history of the lives of Joseph and Moses, himself, as given in the book of Exodus. In them you will observe that simple, natural style, evidencing a knowledge of the customs of the times and scenes of the events he chronicles, such as no writer centuries later could well possess, or if he did possess it, could so describe as not to reveal that he lived long subsequent to the events he chronicles.

But it is not only the things he treats of, but the language which he uses that prove the antiquity of the

author. For in the Pentateuch there are words and forms of expression which are not to be found in subsequent books of the Hebrew Canon. They had become archaic or obsolete, a proof that it was composed long before the others. Such, for instance, is the use of *Hu* for *Hi*, which is the more recent form of the feminine pronoun; also the plural pronoun (*el hael*) which in the subsequent books of the Canon are written *Elleh*, *haelleh*. There are many others to which I need not refer. Then in the Pentateuch there is a complete absence of Chaldaic words and phrases, showing that it was written before the time when the author could have been influenced by the more modern Semitic dialects, whilst through its pages there are to be found words of Egyptian origin proving that the author was not unfamiliar with the language of Egypt.

P. O'F.—I am following you closely, but whilst you are speaking there is a thought in my mind, to which I wish, with your permission, to give expression now, lest I may forget to do so later on.

FR. O'B.—Most certainly. Pray, what is it?

P. O'F.—I have often heard it said that one of the strongest arguments against the Mosaic authorship is derived from philology, that is, an examination of the language in which it is written, for it is alleged that the similarity between the language used in the Pentateuch and that of the most recent of the books on the Jewish Canon is very striking, in fact they are almost identical,—though if Moses was the author of the Pentateuch, a period of eight hundred years would have supervened, during which the Hebrew language would surely have undergone many changes.

FR. O'B.—I see the force of the objection. But my answer is this. The similarity between the language of the Pentateuch and that of more recent books is exaggerated by the adversaries. There is a very considerable difference, as is acknowledged by biblical philologists, amongst others by Ewald, one of the most learned of Hebrew philologists, and if the difference is not greater, there are sufficient reasons to explain it.

There is, in the first place, the well-known tenacity of the Orientals in preserving their traditional language and customs. This is testified by students of these languages, notably by Ernest Renan. It is well known that the Greek used by St. Chrysostom differs very little from that of Demosthenes, though separated by centuries from one another. But there is a special reason why the difference is not so great between the Pentateuch text and that of subsequent books, as one would naturally expect, and it is this. Whilst in general the written language of any country does not change so much as the spoken, there is this special feature of the Pentateuch, which cannot be overlooked. It was constantly in the hands and custody of the priests and prophets, it was regarded as a divine treasure, and hence from the constant use and reading of it in the synagogues, its language and style were kept present to their minds, and hence, too, as each subsequent sacred writer arose, little wonder if he imitated and reproduced, more or less according to circumstances, the language of the Pentateuch. Whilst, therefore, the spoken language may have undergone and did undergo many and considerable changes during that long interval, there is this special reason for the conservatism of the sacred writers, which would account for the similarity, such as it is, which exists between the Pentateuch and the later books of the Canon.

P. O'F.—I hope you will not think me impertinent if I ask you a question which just occurs to me. Are you an expert in the Hebrew language that you speak thus about it?

F. O'B.—A very natural question for you to ask. My knowledge of Hebrew is of a most elementary kind, and the information I am now giving you is not the result of my own research, but of my study of recognized standard Catholic works on this subject. Please take note of this.

P. O'F.—Why place such emphasis on this idea?

FR. O'B.—Because it is the fashion nowadays, even amongst some Catholics, to seek for information not amongst their own, but amongst strangers. It is regarded by some

as a sign of scholarship, or an evidence of broadminded, liberal Catholicism to read articles and reviews on all these subjects written not by Catholic authors, but by non-Catholic or rationalistic ones. They talk about the philological, archæological or other scientific hypotheses of these writers as discoveries, which will no longer brook the old traditional views, without having ever read what has been as well and oftentimes much better said on these subjects by their own side. They imbibe the poison, and have not at hand the antidote. My advice to you, my young friend, is this, go to Catholic fountains for your information, try to be well grounded in Catholic principles, and you will never have reason to fear the true progress of any science. For as truth cannot contradict truth, so neither can any truthful discovery of science come into conflict with your faith.

P. O'F.—But you do not mean to say that I am always to travel in the old rut, and take no notice of the progress going on all round? Or do you mean to convey that all traditional views are to be retained, even though they conflict with the *true* findings of science?

FR. O'B.—You do well to put in that word *true*. My views and attitude in this matter are, as is becoming, exactly those of Pius X in a recent letter to Mgr. Lecamus, Bishop of La Rochelle :—

As we must condemn the tenets of those who, having more regard for novelty than for the teaching of the Church, do not hesitate to adopt a critical method altogether too free; so we should not approve the attitude of those who in no way dare to depart from the usual exegesis of the Scripture, even when faith being not at stake, the true progress of learning requires such departure. You follow a wise middle course, and show by your example that nothing is to be feared for the sacred books from the true advance of the art of criticism; nay, more, that a beneficial light may be derived from it, provided its use be coupled with zeal, prudence, and discernment.

Kindly excuse this long digression. Let me take up the thread of my argument. Not only is the author of

the Pentateuch ancient, but his Hebrew origin is stamped on almost every page of the book. Apart from the fact that the Hebrews, so conservative and jealous of their racial characteristics, would never have accepted the law from the hands of one not of their own race, the author displays such a knowledge of the history, language and customs of the Hebrews, and such an interest in, and love for, the race itself, as could only be verified on the hypothesis that he was one of themselves. And whilst this is so, there are many evidences that the same author had been educated in Egypt. Almost every page of the Pentateuch contains allusions to Egyptian affairs—its country, climate, laws, customs—and these are described so minutely and accurately, from what is known of them from other sources, as to show that the author lived in the midst of the places and things he described, and was not writing from second-hand information.

P. O'F.—Would you kindly give me some proof of this general statement?

FR. O'B.—Certainly. Take, as an instance, all that he tells us in Genesis (chapters xlv. and xlvii.), about the location, natural fertility and other peculiarities of the land of Gessen, where the Jews lived during their captivity. All these statements have been verified by the researches of geographers and travellers. In the eleventh chapter of the book of Numbers describing the murmuring of the people in the desert, the author represents them using the following words: 'Who shall give us flesh to eat? we remember the flesh that we eat in Egypt free cost; the cucumbers came into our mind, and the melons and the leeks, and the onions and the garlic.' Now ancient profane authors testify that all these, and of a most excellent quality, abounded in that portion of the land of Egypt at that time. Recent monumental discoveries bear witness to the custom to which reference is made in Genesis, xl. 16, regarding the baker's dream and the three baskets of meal on his head. All that the author relates about the usages regulating the medical profession, the art of curing, the mode of burying their dead, are

receiving daily confirmation from scientific discoveries and archæological research. Then I may observe that the words Moses and Joseph are Egyptian names as well as those of Pharaoh and Putiphar. All these examples, and many more, go to prove that the author was intimately acquainted with what he wrote about, and that his knowledge was such as only one who had lived in the land, and knew from personal or *quasi*-personal observation, could possess. Moreover, in his description of Egyptian affairs—there was nothing laboured or artificial—it was natural and incidental, as the circumstances required it, such as, for instance, an Irishman, writing nowadays about things Irish, would give about contemporary events, laws and customs in England, which he learned by long residence in that country.

Furthermore, as the pages of the Pentateuch give proof of the author's Hebrew origin and Egyptian education, so do they of his participation in the journeyings of the Israelites for forty years in the desert. Reading through his minute description of all the events connected with it, his acquaintance with names of places, distances, the different stages of their journeyings, the several incidents that occurred during that long pilgrimage, and the certain knowledge of all the details which he manifests, you must come to the conclusion that nobody, except one who actually took part in it, could have written thus about it. Take note, too, of the change of tone which characterises the author when he refers to the land of Chanaan. He speaks about it with a certain amount of caution, showing that his knowledge of the place was not of a personal kind, but derived from information received from others. He used the future tense, showing that he wrote before that land had been taken possession of. And some of those things which the author said were to be done by the Israelites after their entrance into it, such as the establishment of the three cities of Refuge (Deuteronomy xix.), never took place, showing that the author took part in the journeyings through the desert, but never entered the promised land.

I go still further and say that, if you study the arrangement and construction of the whole Pentateuch, you will find the stamp of the lawgiver himself on it. Genesis is a preparation for the law, the history of the subsequent books are so mixed up with the precepts of the law, as to show that the lawgiver was likewise the historian. There is no trace of a codifier of laws all through, no order or arrangement according to time or matter such as codists usually observe. The precepts are promulgated—explained—repeated—now they are amplified—now restricted in their application—again altogether repealed—and that without any definite order, but as the circumstances required. Take the Decalogue as an illustration of what I say. It is first given in Exodus xx., then partially repeated twice in Leviticus xix. and xxvi., and finally given more fully and explained in Deuteronomy v. The same holds regarding several other precepts, such as those governing lending, and extorting usury, not eating blood, bringing back the straying cow or ass of an enemy. In a word, everything points to the fact that it was the man who made the laws, wrote them down, explained them, and, with changing circumstances, using his power as legislator widened or restricted their obligation.

P. O'F.—But perhaps it may be held that the author of the law is different from the author of the historical parts of the Pentateuch. Do not the words, the law of Moses, the book of the Law, the volume of the Law, which are so often used, seem to indicate a distinction between the law and the other parts of the Pentateuch, and consequently a diversity of author?

FR. O'B.—This hypothesis cannot be maintained. For if you read it carefully, you will find that the history and precepts are so mixed up that it would be impossible to separate them, or suppose that one author wrote one and a different one the other. Then you are to bear in mind, that according to the Jewish mode of speaking, the law and the Pentateuch were synonymous terms, so that in their Canon the Pentateuch is called 'the Law,' because the greater and principal part of the book was

taken up with the law. This was the usage amongst the Jews. Hence we find other books containing Jewish history catalogued amongst the 'Prophets,' because the principal parts were prophetical rather than historical.

P. O'F.—I have been following you with attention, and, as far as I can judge, I think all these circumstances and characteristics to which you have adverted, give a strong presumption in favour of the Mosaic authorship, but I do not regard their argumentative force as conclusive.

FR. O'B.—Neither do I. Bear in mind what I said in the beginning of this interview. I have, however, something more to say on this aspect of the subject, which will give much additional force to my argument. This I must reserve until our next conversation.

H. D. L.

## IRELAND AND BOHEMIA

**I**N the summer of 1905 I visited Bohemia, and as I did so under exceptionally favourable circumstances, I was in a position to see its principal cities and to meet its leading citizens. Many things struck me on the occasion; not the least was the deep and ardent sympathy that existed with Ireland and everything Irish, the wonderfully accurate knowledge that was shown of our chequered history, and of our strivings and strugglings against an overmastering Imperialism that strove to blot out from our midst all traces of individualism and nationality.

The similarity between the two countries is wonderful. As was often said to me, Ireland is the Bohemia of the West, and Bohemia the Ireland of the East. Both countries are mainly Catholic in religion; agriculture is their principal industry; both are subject dependencies of an alien predominant power; both have representatives almost equal in number in the Imperial Parliaments; both strove, Bohemia I admit more successfully, to maintain their separate language and separate customs. Less than a hundred years ago, Czech, the language of Bohemia, was spoken and written by but a chosen few—so few that it was said that if the ceiling of the roof of a certain building near Prague fell, it would have crushed out in its fall all who spoke and wrote the vernacular. Now Czech is universal—spoken by all classes, the language of the courts, of daily intercourse, of the theatre, and of commerce, with native newspapers printed in it daily and weekly, having a vitality that no attempts at Germanization will crush out. In the splendid National Theatre of Prague, only native plays are produced—only native music played. Everywhere I found traces of the once cordial relations that existed between Ireland and Bohemia. I stayed at the principal hotel in Prague to find to my delight that it was situated in a street called Hibernia Strasse—or the Irish Street. I went to the museum of that

beautiful city—Golden Prague, as it is justly called—to discover that the four oldest books, printed in the sixteenth century by the old Prague press, were written by Irishmen; and stranger still, to find them written by Kellys and O'Kellys, one being from Aghrim, in the county of Galway. Such are the four oldest printed works of Bohemia. In one of the Schartzberg castles, I discovered the room of an alchemist, only on inquiry to find he was a Kelly—a scientist and an exile. In the calendar of native saints are many Irishmen.

But the principal relations between Ireland and Bohemia of comparatively recent times cling round the old Monastery of Irish friars once situated in Hibernia Strasse. I am indebted to my esteemed and cultured friend, M. Carl Musek, a Bohemian author and playwright, for the following particulars concerning the life-story of that famous foundation, and they will be read. I am sure, with interest in Ireland :—

'Golden Prague,' capital of the kingdom of Bohemia, was always famous on account of its many churches and monasteries. During the reign of King Charles IV (fourteenth century) Prague was called 'the Rome of the North.' At this time there were 100 churches, divided into 44 parish churches, 5 canonicals, and 25 monastery churches. More than 1,200 clergymen served to the glory of God. But bad times came upon the town and the whole kingdom. Firstly came the Husitic wars with all the destructions and iconoclastics, and afterwards the thirty-years troubles began. In spite of all, the year 1770 had found in Prague 108 churches and chapels, beside 40 monasteries. In the reign of the Emperor Joseph II (eighteenth century) no less than 62 sanctuaries and 26 monasteries were suppressed and changed mostly to barracks, prisons, etc. Some of them were in latter times returned to their former purpose again.

Among the convents, which were suppressed in the year 1786, belongs also the renowned monastery of Irish monks, or Hibernian friars. The name remains to this day in remembrance of it, in one of the principal streets of Prague, called 'Hibernia Street.'

Charles IV, King of Bohemia and Emperor of Rome, founded a monastery with a church, dedicated to St. Ambrosius, and granted it to the Italian monks of the rule of St. Benedictus.

It was in memory of his coronation as King of Lombardia. The monastery and church stood close to the ditch, dividing in old times the new town of Prague from the old, just opposite the Powder Gate.

Large gardens, a farm and other properties belonged to the monastery. The foundation and opening of the church dates probably from the year 1755-59. During the Husitic wars, the cloister and church were destroyed, partly by the Husites, partly by fire. Not till the year 1461, was the church and convent again rebuilt, and by King George of Podiebrad granted to the Franciscan monks of the Order of St. Kapistran, whom the people of Prague called 'Barefooted.'

But new religious troubles came upon Prague, and in the year 1483, the monastery and church were destroyed for the second time. On the site of the church a citizen of Prague built a smithy, from which time it was called 'at the Smithy.'

King Wladislaus II offered the ground to Wenzeslaus, Count of Kolorrat, under the condition that should the 'Barefooted' return to Prague, he must give it back to them. In the year 1536, Kolorrat transferred the property to the Chancellor of the new town of Prague, Henry of Chorenice, who gave it in 1539, to the parish of St. Henry. New glory spread about the deserted cloister in the first half of the seventeenth century. During the reign of Queen Elizabeth, some Franciscan monks left Ireland and settled in Belgium, this time under the Spanish Government. They built a monastery with a seminary at Louvain, a town in south Belgium. From their new home they sent two envoys, P. Malachias Fallon and P. Heralt Geraldin to the Emperor Ferdinand II, with a request for a grant to build a cloister and seminary in the realm of Austria similar to the Louvain convent. Owing to the interposition of Count Harrach, Cardinal of Prague, the Emperor gave to the Irish monks the whole property, belonging formerly to the 'Barefooted', sanctioning it by an Act, dated the 19th of November, 1629. The only condition that was made to them was, that they might not take more friars into the monastery than they could support. After this was done, P. M. Fallon returned to Louvain and sent to Prague P. Patricius Flemengus, who became the first Superior of the Irish monastery in Prague.

'Hibernia Friars,' as the Irish monks generally were called, very soon gained some benefactors, especially the Secretary of the Kingdom, Simon Peter Aulik and a Spaniard Don Martin de Huerto. These two bought for them the said house 'at the Smithy' with a number of small houses in the neighbourhood, which the monks prepared as their provisional monastery, and

opened it in the presence of Cardinal Harrach, on the 23rd of April, 1631. An Irish priest, Mathias Hory, preached an open-air sermon on this occasion, in the Latin language, before a great number of people.

But they did not live long in peace and calmness. Only a few months after they settled new war troubles began. The Saxon Protestant army approached the capital, and many Catholic families escaped to Austria. Also the Irish decided to quit Prague. Leaving only one priest, Heralt Geraldin, with some friars in Prague, P. Taffe and P. Franciscus Magnesius departed on the 6th of November, 1631, for Vienna. The next day two other priests, Mathias Hory and Superior Patricius Flemengus, followed them. They went on foot, praying the whole way. On the road between Benesor and Votic the priests were surprised by some Protestants and cruelly put to death. Their bodies were found on the road and buried in the Franciscan church at Votic. Till our day one can read an inscription on a tombstone in the said church: 'Patricius Flemengus—Mathias Hory—for the Faith of Jesus Christ, near the town Benesor died a Martyr's death.' Afterwards also P. Geraldin with other friars left Prague, so that during the invasion of the Saxons the 'Hibernia cloister' was deserted.

The Emperor Ferdinand II issued, on the 2nd of December, 1636, an order that the parish of St. Henry (according to the condition of King Wladislaus's offer) shall be restored to the Hibernia friars, some of the grounds belonging before to the 'Barefooted.' It was done principally that they could build a new church and monastery. Among the chief benefactors who then supported the monks should be mentioned Walter Butler, colonel of the Imperial army, who made a gift of 30,000 florins, Baron Heralt Wachtenthung, a Belgian by birth, two brothers knights of Talmberg, Don Martin Paradis, Simon Bohuslav Moravek, Benno Count of Martinic, Provost of Vysehrad, etc. Thanks to these generous benefactors, the Irish bought eight other houses in the neighbourhood, and began to build a monumental church and cloister. The first stone to the church was laid in the presence of the Emperor Ferdinand III, on the 15th of August, 1652, and dedicated to the 'Undeiled Conception of the Holy Virgin.' The Emperor gave every year 3,000 florins for the building till its completion. The church was built in Italian style, its chief entrance facing the Powder Gate, one of the chief thoroughfares leading to the old town of Prague. The street on the left of the church already noticed, received from this time out the name of 'Hibernia Street,' which it still retains in memory of the Irish friars.

On the 24th of June, 1661, the first service in the new church was held. In the year 1704, John Sigismund Count Maguire, a General of the Imperial Artillery, enlarged the cloister by a wing parallel to Hibernia Street. Thirty-five years later Count Andreas Hamilton built another wing on the north side of the church. The cloister had a rich library founded by the Counts of Sternberg, a seminary and novitiate. A good number of missionaries were educated there and sent mostly to Ireland. Opposite the Hibernia monastery, beyond the Powder Gate, was the archiepiscopal seminary, founded by Cardinal Harrach; the Irish priests taught there theology and science. In the year 1710 there lived in the monastery 60 monks. The monastery church was very large and artistic. Around the principal nave were 10 chapels, founded by different benefactors, who built in them their crypts. The church had 13 altars, beautifully adorned with paintings by the best painters of the time, among them four of Charles Skreta, the well known Bohemian painter of the seventeenth century. The Irish monks, it may be mentioned, were the first who introduced potatoes in Bohemia. They got this useful plant from their friends in Ireland and planted it in their cloister garden. The first products were sent by the monks to some of the first families in Prague as a vegetable curiosity. From the Irish monastery potatoes very soon spread in the whole country, and is now one of the principal crops grown in that well cultivated country.

By an order of Emperor Joseph II, the Hibernia monastery was suppressed. This was on the 12th of February, 1786. There lived there at this time 49 monks (30 priests, 6 novices, and 13 friars) all Irish. Each of them, who returned to his native land, got 300 florins on his dismissal; the others, who remained in Bohemia, only 200 florins. The church was afterwards used as a garrison church of Prague, but in the year 1790 it was closed as a church forever. During the years 1792-1802, the building was changed into a small theatre, at which on Sundays and holidays performances in the Bohemian language were given. In the reign of Emperor Francis I, all the buildings were partly rebuilt, and in the year 1810 they were appropriated and used for the Custom House for the kingdom of Bohemia. 'Where in olden times sermons and divine songs of monks and scientific discussions of theologians were heard, now rolled heavy vans, and coins clinked in the paying of duty for imported goods.'

M. Charles Musek, to whom I am indebted for those interesting particulars, deserves a note in passing. He is one

of the principal dramatists of Prague, and a great linguist. He speaks and writes English fluently, and amongst his many classic contributions to literature are plays from his pen, and excellent translations. I found (and got from him a presentation copy which I highly value) that he had translated into Czech the *Melodies* of our immortal bard, Thomas Moore, and so made his countrymen familiar with those productions. He also translated Burns. In fine, I may add that all the English classics will be found in Czech, certainly Scott, Dickens, and others.

RICHARD J. KELLY, B.L.

## EVOLUTION AND THE THEORY OF IMMANENCE: 'LEX ORANDI'—III.

TIME was, and that not long ago, when every book of Father Tyrrell's was welcomed by Catholics with *cead mile failte*. And what a pity that fairness and truth should oblige us to write an unfriendly, a hostile review, from the point of view of doctrine, of his later writings! Yet it is impossible to read these recent books without feeling an uneasy suspicion and fear that the old guide is going astray, that he has left the safe and beaten path, that it is unsafe to follow him in his new and perilous wanderings, and that the unwary should be warned against the dangers of continuing an implicit and unquestioning confidence in his guidance. Father Tyrrell, I think, will not complain of this criticism. He insists that he does not expect nor wish his views to be accepted on faith and without examination, as if they were divine oracles; that his recent works are not intended, at all, for the unthinking, uncritical multitude, but for those who are capable of forming an independent judgment on their merits or demerits, and who therefore are not likely to suffer scandal, to be led astray by their perusal. I shall therefore be only acting according to the spirit in which Father Tyrrell has recently addressed the world, if I submit to my readers the results of a careful and unprejudiced study of his recent works. And it may contribute to the success of my attempt to set forth a fair and intelligible presentation of the theory advocated in *Lex Orandi* if I begin by recapitulating the principles of the *Apologetics of Immanence*, as expounded in an article in the *Quarterly Review*, on 'The Rights, and Limits of Theology,'<sup>1</sup> and described in

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<sup>1</sup> *Lex Orandi, or Prayer and Creed*. By George Tyrrell, S.J. Longmans. 1903.

<sup>2</sup> *Quarterly Review*, October, 1905.

my article in the January number of this journal.<sup>1</sup> These principles are the following :—

I. God has made no revelation to the human mind. Divine supernatural revelation was not addressed to the intellect. Hence the articles of the Creed, such as the existence of God, the Trinity, the Incarnation, etc., considered as revealed and as truths of faith, are not understood to have been addressed to the intellect, nor to express real fact-truth, and we are not bound to give them intellectual assent.

II. Divine supernatural revelation, *actively* considered, is the manifestation of religious 'life' in each individual; 'a consciousness of right and wrong,' 'a sympathetic response to good and antipathetic response to evil,' 'a preference for one line of conduct to another.' Hence divine supernatural revelation was not given 'all in a lump,' in the form of an intellectual system, to the human race; it is continued to each individual soul, perhaps in a progressively evolved form, in a consciousness of right, and in a sympathetic response to good and antipathy to evil, which approximates in each succeeding generation more closely to the ideal.

III. As physical life preceded the formulation of a 'theory' concerning itself, so may primitive mankind have long lived the 'life of religion' before the religious sense awoke to the necessity of framing a 'theory' to explain the phenomena of the religious 'life.' The theory of 'Christian revelation' or of 'the Christian religious life' is understood to be expressed in Sacred Scripture, in the articles of the Creed and the definitions of the Church, which are called, in contradistinction to *active* revelation, *objective* revelation. This *objective revelation* is not referred to the intellect, but to the religious sense, which is a faculty apart, autonomous, and distinct from the speculative reason. The articles of the Creed, as truths of faith, are not affirmed to be true in relation to the intellect; we are not bound—indeed we have not the power—to assent to them mentally,

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<sup>1</sup> I. E. RECORD, January, 1907.

as truths of faith. They regard the religious 'life' alone. They may not and cannot be tried by the tests of a supposed barren intellectual revelation, but by spiritual tests, by 'the criterion of life amplified and invigorated, or life contracted and impoverished.' They are true, as truths of faith, not with intellectual truth, but with the truth of goodness; for 'the good is the true.' Relatively to the present time they express infallibly in some figurative, undefinable, prophetic sense, the present stage of religious evolution and the movements of the religious 'life.' Their religious sense is instinctively apprehended by those who have reached, in some degree, the corresponding level of the religious 'life,' but to all others they are unintelligible; as the truths of Christianity are apprehended instinctively by Christians, who participate, it may be in a very limited and imperfect manner, in the religious 'life' of Christ, the Ideal, but to the pagan and infidel are a *lapis offensionis* and a *petra scandali*.

IV. Inspiration, or the power to formulate *objective revelation*, to express for the religious sense the phenomena of the 'life of religion,' is accorded to most men; but generally people are satisfied to accept the 'theories' or 'formula' framed by the collective religious experience of the past and transmitted to them by tradition. And hence it is only the great reformers who, finding the traditional creeds impeding and cramping rather than stimulating and amplifying religious life, rise above them or revolutionize them, that are regarded commonly as 'Prophets' or 'Inspired Writers.'

V. Faith is not 'intellectual assent to the truths revealed by God on the authority of the divine revelation,' but an adhesion of the whole man to the divine spirit within, sympathetic response to good and antipathetic response to evil, a continual preference of virtue to vice, a steady movement in the 'right direction;' in a word, it is the 'life' of religion.

VI. Though the religious 'life' is autonomous and independent of the intellect in its growth and functions, yet can the speculative intellect take reflex cognizance of

its phenomena and of the theories called 'objective revelation,' invented to explain these phenomena, as it can take reflex cognizance of the body, the senses, and their functions. It may consider these theories true in fact, some in metaphysics, others in history, and others in natural science ; or it may prefer to take up an agnostic attitude in regard to their real, intellectual, fact-truth ; or it may pronounce them all to be opposed to fact, some to involve a self-contradiction in metaphysics, as the Trinity, others to be opposed to real history, as the Resurrection and Ascension of Christ, and others to be opposed to natural science, say to biology, as the Virgin Conception of our Saviour. Intellectual assent to the articles of the Creed is not necessary ; nay more, we *cannot* assent to them mentally, as *truths of faith* ; for, as truths of faith, they are not referred to the intellect, but to an autonomous, independent 'life,' the 'life' of religion, and the intellect can no more elicit acts of the 'life' of religion than it can elicit acts of corporeal vision, hearing, tasting, or the like.

Hence there need be no conflict between the science and faith of a believer ; in fact, a conflict is impossible. As a metaphysician, a scientist, or a historian, he can believe the articles of the Creed to be self-contradictory, or opposed to science or history, when subjected to the tests of the intellect ; and yet can he accept them as *truths of faith*, as registering and expressing for the religious sense, which is indifferent to intellectual truth, the present position of the religious 'life.'

VII. The 'life' of religion, manifested by 'consciousness of right and wrong,' 'sympathetic response to good,' etc., is described also as 'the divine which is immanent in man.' It has grown and varied, we are told, with the evolution of physical life and civilization, as is proved from the difference between civilized nations and savages in their appreciation and differentiation of 'right' and 'wrong.' It attained to the plenitude of the Ideal in Christ, who is believed therefore by the religious sense to be the 'Word Incarnate,' not in the sense of the theologians, that a divine pre-existing Person as a matter of

intellectual or fact-truth assumed human nature, but because the Ideal of the 'religious life,' of 'the divine immanent in man,' 'the sympathetic response to God,' was realized in him; and the Saints and the Just, through all the generations to come, can only hope, as it were, to break up and divide and appropriate, in finite and unequal measures, the infinite perfections of religious life synthesised in Him who was the Way, the Truth, and 'the Life.'

VIII. The development of the 'deposit of faith' has been accomplished, not by the intellectual activity of the theologians striving to lift the veil and expose to explicit view the hidden implications of a divine revelation addressed to the mind, but, if there be question of 'active revelation,' by the natural growth and variation of the religious 'life,' of 'the consciousness of right and wrong,' etc., and—if there be question of 'objective revelation'—by the gradual weeding out of old formulae, and the substitution of theories more in harmony with the progressive expansiveness of the 'religious life.'

IX. As community life with its social organization was evolved from and succeeded the solitary state that prevailed during man's animal and savage early history, so from the primitive solitary 'religious life' the religious community was evolved and developed, varying and transforming itself in beliefs, ritual, exercises of religion and mode of government, until it reached the term of its evolution, so far, in the Catholic Church. The divine origin of the Church, her infallibility, the primacy and infallibility of the Pope 'claim' to be intellectually true in the department of dogmatic theology; but they have not been revealed by God to the human mind; as truths of faith, they are not referred to the intellect at all, they are accepted not as intellectually true, but as registering, for the religious sense, in some figurative, undefinable, prophetic way, the present stage of evolution of the religious society, and as helping to foster within the society the growth and expansion of individual religious life. The definitions of the Church are infallible, not with the infallibility of intellectual, real, absolute truth, not in relation to the intellect,

but with the 'truth of goodness' and relatively to the religious life and to the present time; inasmuch as they express infallibly for the religious sense, relatively to the present time, the condition of the religious life and foster the increase of its activities. But these infallible definitions may be set aside hereafter and the Church herself disappear in the struggle for existence, as impeding instead of stimulating the further development of the 'religious life,' and other formularies of faith, with a different ritual and system of Church government, more in harmony with a progressive evolution of the 'life,' may be invented by the 'Prophets' and 'Inspired Writers' and receive the sanction and approval and benediction of Natural Selection.

I.

There is a remarkable similarity between the *Quarterly Reviewer's* theory of supernatural revelation and religion and the theory of Christianity propounded in the recent works of Father Tyrrell. In *A Much-abused Letter* he refers to the article in the *Quarterly Review* presumably as if he himself were the author.<sup>1</sup> But it is not quite so easy in *Lex Orandi* to discover and unite the scattered lineaments of the Loisy theory of Immanence as it is in the article in the *Quarterly*. It is inevitable that a Catholic writer, who desires to remain united to the Church, but thinks that the traditional conception of revealed religion should be modified or changed in order to win the submission of the scientific world, will seek to clothe his speculations in the language of ecclesiastical orthodoxy. I do not suggest, for a moment, dishonesty or a want of candour, nor do I think of imputing motives; the author may believe, in the best faith, that he is only bringing back the language of the Church to the meaning held by the saints and the primitive Church; but nevertheless if, in the promulgation of a new and erroneous theory, he employs the traditional language of the schools, of course in a sense different from recognized usage, he makes the task of determining his meaning and criticising his theory particularly difficult,

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<sup>1</sup> *A Much-abused letter*, p. 31.

and creates for the general public an insidious danger, in the shape of erroneous doctrine in the garb of Catholic orthodoxy.

This is a striking feature of the writings of the Loisy school. A comparative glossary of the terms, 'revelation,' 'inspiration,' 'faith,' 'articles of belief,' 'mysteries,' 'sacraments,' 'church,' as used in synodal definitions and in the writings of the Abbé Loisy and his disciples would be, for Catholics, a sufficient refutation of the *Apologetics of Immanence*. Father Tyrrell is a faithful imitator of the master in this respect. All the familiar ecclesiastical terms, revelation, faith, sacramental principle, sacraments, etc., are employed, in his recent works, in the sense of the Theology of Immanence. He makes the words of our Lord: 'It is the Spirit that quickeneth, the flesh profiteth nothing,'<sup>1</sup> as it were, the text of *Lex Orandi*. Some of the Docetae, we know, argued from this text that the Incarnate Word had not assumed a real body; the Calvinists endeavoured to prove from the text that Christ is received in the Blessed Eucharist, not through the mouth of the body, but spiritually by faith; and now Father Tyrrell employs the text to express the fundamental principle of the Immanent Theology, that the articles of the Creed, considered, in the sense of 'Dogmatic Theology,' as a supernatural revelation addressed to the intellect, are but 'the flesh that profiteth nothing,' that 'the Spirit that quickeneth' is the 'religious life,' 'the consciousness of right and wrong,' 'the sympathetic response to good and antipathetic response to evil,' and the truths of faith considered, not as divinely revealed to the intellect, but as 'thoeries' invented or adopted by the religious sense for the purpose of registering the present condition of the 'life' and fostering its growth and expansion in the future.

Father Tyrrell anticipates this charge of working in an illegitimate manner with ecclesiastical language, and attempts to reply to it in *Lex Credendi*.

And at first sight [he writes<sup>1</sup>] it might seem somewhat sophis-

<sup>1</sup> John vi. 54.

<sup>2</sup> *Lex Credendi*, p. 9.

tical to work with ambiguous terms as though they were univocal, and to read a modern sense into ancient language. And this would be so were our interest philosophic and not religious; were we quoting Apostolic writings as authorities in metaphysics rather than as authorities in Christianity; were we studying the vessel rather than its content.

But we will not allow the issue to be confused by the words, 'philosophic,' 'religious,' 'metaphysics,' and 'Christianity.' It is a common device with Immanent writers to represent doctrines or dogmas addressed to the intellect as 'philosophic' or 'metaphysical,' in contradistinction to the 'life' and theories of the 'life' which they call 'religious' and 'Christian.' But in this reply to the anticipated charge of sophistry the very abuse which is complained of is repeated, viz., the attribution of a novel and inadmissible signification to scriptural and ecclesiastical terminology. The questions at issue are, when we speak of the Apostolic writings and of the truths of the Creed: Do they speak to the human mind? do they contain and express truth, fact-truth, truth in relation to the intellect? Are we under an obligation of assenting mentally to the truths of revelation? or, are they mere figurative formulae, snatched up by the religious sense, irrespective of their intellectual truth, to express for itself, in some undefinable, prophetic manner, the condition and phenomena of the religious life? And to those who believe that the Apostolic writings and the articles of the Creed express real, intellectual, fact-truth revealed by God to the human mind, the meaning attributed to these writings by Immanent writers must appear novel, inadmissible, and absolutely unjustifiable.

## II.

In the article in the *Quarterly Review*, to which I have already referred, divine supernatural revelation, actively considered, is described, as has been said, as a 'new life,' the 'life or religion,' manifested by 'consciousness of right and wrong,' 'sympathetic response to good,' etc. In *Lex Orandi* Father Tyrrell treats successively of the 'physical

individual life,' the 'life of will-union with others,' the 'life of religion' and the 'life of prayer' as an introduction to the main thesis of the two books, *Lex Orandi* and *Lex Credendi*, that the religious 'life' alone is the 'spirit that quickeneth,' that prayer and belief are correlative, that the articles of the Creed are revelations made to the heart and not to the head, that they express not intellectual truth but the condition and activity of the 'religious life,' and that as they are revelations made to the heart alone so to the heart alone they speak.

1. First, he says, in order of dependence come the necessities of our separate and individual life. Our temporal or bodily life depends on our power over that physical world around us with which we are in ceaseless conflict. The struggle to live involves a struggle to know. We experiment, we classify our experiences, we frame a theory of the world, its nature and history. And the truer the theory is, the better does it serve as an instrument, a guide, a chart whereby to direct our action fruitfully and to control Nature to our service.<sup>1</sup> And the same principles of evolution are applied throughout to account for the growth of the 'life of the will-union,' of the 'life of religion,' of 'the life of prayer,' and the theories invented to explain them.

2. Man's advance from the animal and savage and individual conditions of existence to that of human society marked the commencement of a 'new life,' the life of will-relation to other wills, of will-union (friendship) or of will-disagreement; which might be called a spiritual life, implying relations, as it does, not to the physical world, but to the spiritual world of wills.<sup>2</sup>

3. But we have not yet reached the conception of the 'life of religion.' Will-union, for example, formally in politics, in trade or commerce, in war, in the professions, does not constitute the 'life of religion.' What then is the 'life of religion'? When does will-union begin to partake of the character of religion? First, let me observe that Father Tyrrell with the extreme evolutionist school of

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<sup>1</sup> Pages 6-7.

<sup>2</sup> Pages 7-10.

psychology, identifies 'person' and 'will' with each particular act of 'willing.' 'We are,' he writes,<sup>1</sup> 'each of us, a single "willing," which, however we may analyse it into a sum-total of past and present "willings" from which it results, is, nevertheless, one simple act by which we adapt ourselves to the total situation in which we now find ourselves.' And it may be worth while quoting what he writes about the variation and transformation of our 'willing'; as supernatural revelation is identified by the Immanent School with our 'good-willing' and therefore varies and transforms itself, not from the implicit to the explicit state intellectually, but identically with our 'willing.' 'Every instant of our life,' he writes,<sup>2</sup> 'this "willing" modifies itself and dissolves into something different, in response to a similar transformation of our surroundings.' What then—to repeat the question—is the life of religion? Our 'religious life' consists in 'will-union' with the 'Right,' with men of good-will; that is, supposing our consciousness of right and wrong, in sympathetic response to good and antipathetic response to evil, in the orientation of our will towards the Supreme Will so far as it is manifested in the will-attitudes of Christ and Christ-like men.

4. And the 'life of prayer'? Father Tyrrell does not mean by prayer a petition addressed to God, nor a simple elevation of the mind to God.

Prayer, as here taken [he writes] is not merely directed to conduct, but is itself directly effective of that will-sympathy with God which is the richest fruit, as it is also the highest motive, of conduct. The religious effort is directed explicitly to the adjustment of our will to God's; and this, not merely as to ourselves, but as to all things that come under His will, so that in all we shall seek to know and feel and act with Him.

There seems then to be no difference, according to Father Tyrrell's theory, between the 'life of religion' and the 'life of prayer.' The following will fairly represent, I think, his chapter on 'the life of prayer.' The love of justice, truth, and goodness is not prayer if it be dictated

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<sup>1</sup> Page 11.

<sup>2</sup> *Ibid.*

by the commands of the speculative reason and without reference to a personal will ; for though such love might be an act of 'ethical goodness,' it is not an act of the religious 'life.' Prayer is willing what God wills—not merely as to ourselves but as to all things that come under His Will—as far as the Divine Will is manifested in the will-actions of Christ and Christ-like men. It is a will-union with Christ and the Saints, and through them with the Divine Will, by willing and acting, as far as our imperfections permit, as Christ and the Saints would will and act. Our prayer would reach the more perfect contemplative level if while acting with Christ and the Saints we were explicitly conscious of doing God's will. But mere formulae, such as, 'I offer all the actions of the day to God,' are not spiritual exercises in the proper sense, they are not strictly exercises of the 'life' of religion at all, which consists not in words but in actual 'willing' and acting in harmony with God ; they are directed only to the 'religionising' of our conduct.

I have dwelt at some length on Father Tyrrell's treatment of the various forms of 'life' to emphasize the essential identity of the starting-point in the article in the *Quarterly Review*, and in *Lex Orandi*. It remains to notice again and give a specimen of the extraordinary freedom which Father Tyrrell allows himself in reading a modern sense into ancient language ; in using the forms and phrases associated by immemorial usage with the love and service of God, considered intellectually as a Being apart and distinct from man and from the world, when nothing more is intended than union with all that is true and good and beautiful in humanity. Father Tyrrell writes :—

Above all wills there is the will of God ; and above all loves there is the love of God ; and in this the life of religion consists.<sup>1</sup> The religious effort is directed explicitly to the adjustment of our will to God's<sup>2</sup> . . . Our whole life must be *for* God, but only part of it can be *with* God . . . Grace is the love of God<sup>3</sup> or charity<sup>4</sup> . . . What wonder if the love of God and of Christ should steel men even to martyrdom at times !<sup>5</sup>

<sup>1</sup> Page 15.<sup>2</sup> Page 19<sup>3</sup> Page 21.<sup>4</sup> Page 32.<sup>5</sup> Page 33.

In these and in innumerable similar passages the reader may fancy there is question of conformity of our wills to the will of God, considered as the Supreme Being distinct from the world and from man. What is the meaning of the word 'God' in these passages? Does it mean a Being distinct from humanity and having a real existence? Or, *as a truth of faith*, does it not rather signify moral goodness as manifested in the works of humanity? No doubt Father Tyrrell would say that the existence of God, as a Being distinct from the world, 'claims' to be true and can be demonstrated to be true in the department of real, intellectual, fact-truth, and for 'scientific purposes'; but that as an intellectual truth it is only 'the flesh that profiteth nothing,' that it is the divine in the acts and deeds of humanity that influences our religious 'life.'

The true orientation of our will [he writes] must, therefore, be towards that Supreme Will as far as it is manifested in the will-attitudes of those who live by it—of Christ and of all Christ-like men. We know nothing of that Will in its attitude towards extra-human affairs<sup>1</sup> . . . It is in men that He, the hidden God, is to be sought, studied and loved—not in abstractions like Truth and Righteousness, but in concrete actions and will-attitudes, in 'whatsoever things are true, honest, just, pure, lovely and of good report.' We are not moved to love by the colourless universals and thought frames, into which these living realities are forced for scientific purposes—by such divine attributes as Wisdom, Justice, Truth, and the like. What moves us is this or that concrete deed of goodness, which reveals the present attitude of the living wills, divine and human, that gave birth to it<sup>2</sup> . . . Union with God means necessarily and identically union with the whole body of His Saints, with the choicest flower, the richest fruit of humanity.<sup>3</sup>

### III.

What is divine revelation? How are revelation and reason related? How can the religious sense of revelation be cognised? What is the office of the Church in relation to revelation?

1. In the article in the *Quarterly Review*, from which

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<sup>1</sup> Page 15.

<sup>2</sup> Page 25.

<sup>3</sup> Page 29.

I have quoted, the existence of a divine revelation addressed to the mind is denied, and revelation, 'actively' considered is described as 'a consciousness of right and wrong,' a 'sympathetic response to good and antipathetic response to evil,' a progressive preference of good to evil; while 'objective revelation' is made to consist of 'theories' selected, without any reference to their intellectual truth, to register the phenomena and stimulate the development of the religious life. In *Lex Orandi* Father Tyrrell presents us with a similar conception of divine revelation. He begins with 'prayer,' which 'is to be taken widely for the life of Charity, of Divine Love, of will-union with God and his saints.'<sup>1</sup> This is identical with the 'active revelation' of the *Quarterly Reviewer*, 'consciousness of right and wrong,' 'progressive sympathy and preference for good,' as represented in concrete form in Christ and all Christ-like men. Father Tyrrell does not deny, formally and explicitly, the existence of a divine intellectual revelation. What he does is this: he works throughout with the word 'revelation,' as if it were understood by all to signify the 'religious life' and the 'theories' invented to explain, for the heart or religious sense, the phenomena of the 'life,' while, on the other hand, he insists again and again, that the question of the intellectual fact-truth of revelation is but 'the flesh that profiteth nothing.'

These words [he writes<sup>2</sup>] with which the anchoress Juliana, of Norwich, ends her revelations in the fourteenth century, are true of all revelation however intellectualized in form—were it even the creed of Athanasius. So far as it is from God's inspiration, it is a word to the heart and not to the head; and as such it must be criticised; it is an endeavour to find a mental and verbal expression of some new experience or intuition of that will-world of which love is the bond.

According to the theory advocated in the *Quarterly Review*, as I described it, in my last article, side by side with the progressive evolution of the religious 'life' there grew up a series of 'theories' to explain the phenomena of the 'life' for the religious sense, but having no pretension

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<sup>1</sup> Page 59.

<sup>2</sup> Page 50.

to intellectual truth, and called 'objective revelation'; the theory of a Supreme Being, the norm of right and wrong; the theory of a plurality of persons making a love-bound society, the norm of the life of love in human society; the theory of an Incarnate Person, to express the attainment of the Ideal in Christ, and to serve as a norm for the life of devotion and self-sacrifice among men. Father Tyrrell writes in the same strain in *Lex Orandi*<sup>1</sup> :—

That vague, undirected love and worship of Truth and Goodness, which we might call the protoplasm or primary matter of spiritual religion, is first organized, defined, and intensified, when it finds its object in a personal will with which we can enter into relations of affection and sympathy; still more when it is conceived as the will of the All-Father and Creator . . . ; and when this mysterious nature is revealed to us in the likeness of our own, and shared by a plurality of persons, making a divine love-bound society capable of entering into covenant with our collective humanity; and when an Eternal Son incarnate utters God's love for man in the human language of devotion even unto death . . . to what are they all directed but . . . to eternal 'Life'?

2. How are revelation and reason related? According to the Immanent School the articles of the Creed 'claim' to be true with the truth of the understanding in metaphysics, science, and history; but there is no obligation of believing them; they may be believed, or disbelieved, or regarded as unknowable, because *as truths of faith* they are not referred to the intellect at all. Father Tyrrell distinguishes a threefold possible truth or correspondence to reality in the beliefs of the Creed, intellectual truth, regulative truth and representative truth according as they may be conceived to express real fact-truth, or merely to regulate our conduct, and foster the religious life, or to express, in some figurative undefinable way, the nature and laws of the will-world with which it is the aim of religion to bring us into harmony.<sup>2</sup> The articles of the Creed, he says, 'claim' to be true with the truth of the intellect; he does not deny their intellectual truth formally and explicitly; but he always insists that

<sup>1</sup> Page 51.

<sup>2</sup> Pages 56, 57, 65.

their *regulative* and *representative* truth alone is 'the Spirit that quickeneth,' that the intellectual truth is but 'the flesh that profiteth nothing.'

That texture of philosophical, scientific and historical beliefs [he writes<sup>1</sup>] which the religious sense of Christianity has inspired, and in which it has embodied itself, claims to be in harmony with the rest of human knowledge, of which it is but a part, and so far to be true with the truth of the understanding; but its religious truth lies in 'the spirit that quickeneth,' in its fidelity to the facts of the will-world, compared with which 'the flesh,' the merely mental value 'profiteth nothing', . . . Beliefs that have been found by continuous and invariable experience to foster and promote the spiritual life of the soul must so far be in accord with the nature and the laws of that will-world with which it is the aim of religion to bring us into harmony.<sup>2</sup>

3. But if the articles of the Creed, as beliefs of faith, do not express intellectual truth, the question immediately arises: How can we perceive their religious life-giving meaning? The articles of the Creed, let it be remembered, were selected, according to Immanent writers, on account of some mysterious correspondence with the facts of the religious 'life,' with the degree of sympathy and preference for good, with the measure of will-union with all God-loving men. The 'Ideal' was realized in Christ; and the religious sense of the articles of faith is perceived, not by syllogisms or other intellectual process, but instinctively, by those who possess some degree of the religious 'life' of Christ, of which these articles are the mysterious prophetic expression.

Christ's sheep [he writes<sup>3</sup>] hear His voice<sup>4</sup> because they are His already; because they are of His spirit. The more perfect Christ without them, the Christ of the Church's faith, cries out to the nascent Christ within them, spirit to spirit, with an importunity that cannot be resisted without violation of conscience.

4. What, according to Father Tyrrell, is the office of the Church in relation to divine revelation, and what guarantee have we of the truth of the Creed? Will-union with God in Christ and all Christ-like men, Father Tyrrell would say,

<sup>1</sup> Page 54.

<sup>2</sup> Page 54.

<sup>3</sup> Page 63.

is Charity and the fulfilment of the law. 'In its actual and historical form,' he writes,<sup>1</sup> this society is called the Invisible Church. To this society we must go to school to perfect ourselves, to learn from it, and not from revelation addressed to the intellect, the spirit of Christ, the Ideal, the perfect spirit of progressive sympathetic response to good and antipathy to evil. Between us and this Invisible Church mediates the visible Church as 'a divinely appointed instrument of communication,' but spontaneously and by the law of its nature fashioned by the spiritual movement itself.<sup>2</sup> What is the office of this visible Church, and how does it guarantee the articles of the Creed? Was it instituted to guard, unfold and teach a body of intellectual truth revealed by God to the human mind? No; its office is to act the custodian of the collective spiritual experiences of the past, to guard and communicate to its members those 'theories' of the 'religious life,' which by their survival and universal acceptance are proved to be still true with the truth of goodness, with regulative and representative truth, by contributing to the greater expansion of religious life and representing in some prophetic undefinable way the facts of the spirit-world.

It is easy then to anticipate the answer to the question: What truth is guaranteed by the definitions of the Church? We have no guarantee of the intellectual fact-truth of the articles of the Creed, considered as truths of faith. Here Father Tyrrell works again and again,<sup>3</sup> in an Immanent sense, and as if it were the sense understood by all, with the old Catholic formulae, *Quod semper, quod ubique, quod ab omnibus*, etc., and *Securus judicat orbis terrarum*; not as criteria of divine revelation addressed to the intellect, but to signify that beliefs that have survived in the struggle for existence and secured for themselves universal acceptance, are proved thereby to be useful and faithful, for the present, to the laws of the will-world, and therefore to be true, relatively to the present time, with regulative and representative truth.

<sup>1</sup> Page 28.<sup>2</sup> Page 50.

Cf. page 62.

## IV.

I should like to have space to describe in some detail the Immanent application of these general principles to the individual articles of the Creed; but I must confine myself to a very brief description and that in relation to a few of the articles.

To begin with the Trinity :—

Like every other doctrine of the Christian faith [we read<sup>1</sup>] this of the Trinity is the creation of love and life; it was felt and lived before it was expressed in terms of the understanding. In it Christ and the Church have but unfolded more fully the secret implications of charity—have, as it were, accounted for it. In its feeble beginnings Grace was in man as a vague feeling whose nature and efficient source were but dimly defined; not till it gathered to its utmost force and intensity in the human soul of Christ was its origin clearly revealed to man's mind as a Trinity of divine Persons, Father, Son, and Spirit. . . . And thus in the movements of Grace, in the attraction to good, in the repugnance to evil, we know God and the Blessed Trinity long before we shape any image of them in our thought.

First, let it be borne in mind that 'Grace,' like prayer, is simply will-union with God and all God-like men;<sup>2</sup> and then we can briefly describe the Immanent conception of the 'revelation' of the Trinity as follows. After the first 'consciousness of right and wrong,' perhaps long after, some 'theory' was invented to explain the phenomenon, not to the speculative mind, but as a movement of faith. With the expansion of the religious life the 'theory' of polytheism was accepted. Polytheism retired before monotheism in the struggle for existence. Finally, with Christ and the dispensation of love the 'theory' of a love-bound divine society, Father, Son and Holy Ghost, was adopted in preference to unitarian monotheism, to foster the expanding life of love and to represent the facts of the new spiritual life. And what truth is guaranteed to this belief? Intellectual truth? No; its intellectual or fact-truth is indifferent to faith. It is proved by its survival and universal acceptance to be a fruitful belief and therefore to be true, relatively to the present time, with the

<sup>1</sup> Page 100.

<sup>2</sup> Pages 32, 33.

truth of goodness, with regulative and representative truth, and understood analogically it does not offend reason.

Similarly with the Incarnation: In the rude, primitive condition of the 'religious life' apotheosis or deification of heroes was frequent. This and similar superstitions may be regarded as the 'uncouth embryo shapes of the fuller faith that is ours.' They served to bring the human and divine closer together. The 'theories' varied, but the principle of selection remains unalterable, viz., the proved religious value of the beliefs relatively to their time. From the conception of a love-bound divine society in the Trinity the next step was a union between God and man. In Christ the Ideal of the 'religious life' was realized; and not unnaturally the 'theory' was accepted by Himself and His disciples that He is God. It will remain for ever a mystery to 'metaphysics'; as an article of faith it is indifferent to intellectual truth; but it is proved to be true with the truth of goodness, to be fruitful of religious progress, by its survival and universal acceptance; *Securus judicat orbis terrarum!*

The Virginity of Mary is a 'theory' to express for the religious sense that after her Son Mary reached the highest stage of development of the religious life, that she was absolutely sinless.

The 'Descent into Hell' is a 'theory' to express the idea that the sanctity of the pre-Christian saints was a participation of the sanctity of Christ. And the general resurrection is a 'theory' or parable of the invisible life which Christ lives in each Christianised soul; signifying how in the struggle heavenwards the soul after dying to itself rises to a glorified life, the life of religion and of will-union with Christ.

I have said enough to indicate the scope of *Lex Orandi*. It is incomprehensible why Father Tyrrell thought fit to dress up this new religion in the garb of our old Catholic terminology. But I must reserve any critical remarks, together with a notice of *Lex Credendi*, to my next article.

DANIEL COGHLAN.

[To be continued.]

## SOURCES OF IRISH HISTORY<sup>1</sup>

THE history of Ireland has never yet been written in a thoroughly satisfactory manner. We must labour to ascertain the whole truth. The work must be done in a scientific, impartial way. The Irish language is the natural language in which to write it. It would be too great a labour for one man to accomplish, but not too vast for an association of learned men. Maynooth College may supply to the nation and to the world such a set of workers. My object in the present course of lectures is to stimulate research, to excite a patriotic curiosity, and to point out where the would-be historians must labour.

The chief source of Irish history is the Irish language. A knowledge of Irish is, therefore, essential to the historian. He must know Irish thoroughly—modern, middle, and ancient. He must know the history of the language. To understand thoroughly ancient Irish, one should have a knowledge of the modern language. Every Ogham inscription in the country must be familiar to him. All the manuscripts must be deciphered, and their contents critically sifted. 'The investigation of the manuscripts in the Gaedhlic language must form an indispensable preliminary to the accurate study of the history of the country,' says O'Curry.<sup>1</sup>

Knowledge of philology and of bibliography is another requisite. Critical acumen is also necessary. And a first-hand knowledge of German, French, Italian, Danish, and Norwegian is also desirable; for the works of the great Celtic scholars of Germany, France, Italy, Denmark, and Norway must be thoroughly mastered. Ireland is under a great obligation to the learned labours of Zimmer, Zeuss, Thurneysen, Stern, Windisch, Meyer, De Jubainville, Dottin, Ascoli, Nigra, Pedersen, Bugge, Sarauw, as well as

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<sup>1</sup> Lectures delivered in the MacMahon Hall, Maynooth College, by Thomas Ua Nuallain, M.A.

<sup>2</sup> *MSS. Materials*, p. viii.

to Stokes, Strachan, O'Curry, O'Donovan, Hennessey, Sullivan, Todd, Petrie, Hogan, M'Carthy, and other workers. As many of the Irish Annals are written wholly or in part in Latin, a knowledge of that language also is indispensable.

Professor J. B. Bury, in his inaugural lecture, delivered at Cambridge University, 1903, says :—

When the peoples, inspired by the national idea, were stirred to mould their destinies anew, and looking back with longing to the more distant past, based upon it their claims for independence or for unity, history was one of the most effective weapons in their armouries; and consequently a powerful motive was supplied for historical investigation.

And further, he says :—

The national movements of Europe not only raised history into prominence and gave a great impulse to its study, but also partially disclosed where the true practical importance of history lies. When men sought the key of their national development not in the immediate but in the remote past, they had implicitly recognized in some measure the principles of unity and continuity. That recognition was a step towards the higher, more comprehensive, and scientific estimation of history's practical significance, which is only now beginning to be understood . . . The principle of continuity and the higher principle of development lead to the practical consequence that it is of vital importance for citizens to have a true knowledge of the past and to see it in a dry light, in order that their influence on the present and future may be exerted in right directions. It is earnestly to be wished that the history schools of the Universities may turn out a new kind of critical antiquarians in Britain who, instead of molesting their local monuments with batteries of irrelevant erudition and fanciful speculation, with volleys of crude etymologies, will help to further our knowledge of British history, coming with a suitable equipment to the arduous, important, and attractive task of fixing, grouping and interpreting the endless fragments of historical wreckage which lie scattered in these islands. I venture to insist with some emphasis on this, because there are few fields where more work is to be done or where labourers are more needed than the Celtic civilizations of Western Europe. In tracing from its origins the course of Western history in the Middle Ages, we are pulled up on the threshold by the uncertainties and obscurities which brood over the Celtic world. And for the purpose of prosecuting that

most difficult of all enquiries, the ethnical problem, the part played by race in the development of peoples and the effects of race-blendings, it must be remembered that the Celtic world commands one of the chief portals of ingress into that mysterious prae-Aryan foreworld, from which it may well be that we modern Europeans have inherited far more than we dream. For pursuing these studies it is manifest that scholars in the British islands are in a particularly favourable position.

#### THE SOURCES OF HISTORY IN GENERAL.

The sources of history are three : (i.) Oral tradition ; (ii.) Documents ; (iii.) Monuments. Oral tradition is the narration by word of mouth of some event handed down to us by an unbroken series of witnesses. A document is the written evidence of a deed. A monument is a work of art designed to perpetuate the memory of a deed or of a person.

To be reliable, oral tradition must be complete, constant, and uniform. It must be complete and ample, that is, there must be several witnesses as to each link of the chain of events. It must be constant, that is, it must ascend uninterruptedly to the immediate witnesses of the deed. It must be uniform, that is, it must be always consistent as to the substance of the event and its main circumstances.

The credibility of the tradition is greatly strengthened if the belief is prevalent amongst a whole nation, or if the record of an event is preserved in the customs of a people or peoples or in the names of places.

Oral tradition produces certainty of truth, if it be evident that the authorities or witnesses were not deceived, and were not deceivers. Men do not tell lies without some motive. If it be clear that they had no motive for fabricating lies ; and that their imaginations have not led them astray, they must have spoken the truth, and are, therefore, reliable. The nearer the witnesses were to the events related, the stronger is the probability of that to which they bear testimony. Later witnesses also are reliable, unless we are to make the absurd hypothesis that several witnesses misunderstood the narrative of an event which was

palpable, of some importance, and related by more than one person. We can hardly suppose that a whole generation conspired to deceive posterity, or that a succession of generations gradually passing into and giving place to one another agreed together to hoodwink mankind, or, finally, that the minds of later generations were so dull as to accept, without question or investigation, the statements of preceding generations. The written testimony of documents affords grounds for certainty of belief about past events, when there is no doubt as to the authenticity, integrity, and true meaning of the documents, or as to the author's knowledge and veracity.

The intrinsic evidences of authenticity are, the harmony of the written statements with the thoughts, manners, and character of the author to whom these statements are ascribed ; or the harmony of these statements with the customs, prejudices, and ideas of the time to which the book is referred ; or the congruity of the style and manner of the discourse with the author's mannerisms and style as known from other sources.

The extrinsic evidences of authenticity are, genuine tradition, oral or written, always attributing the book in question to a certain author ; the testimony of those who were contemporary with or lived shortly after the writer ; the testimony of eminent literary critics.

The integrity or substantial completeness of a work not mutilated or interpolated is determined by such extrinsic proofs as : (1) the agreement of the work with ancient codices, particularly with the original copy ; (2) the wide diffusion of the book from the start. Therefore, a book which is always esteemed and carefully preserved by a whole people, and much more if it be carefully preserved by hostile peoples, must be admitted to be free from all suspicion as to its integrity ; (3) legitimate tradition affirming the integrity of the book. The knowledge and veracity of the author must be admitted, if they be approved by other reliable authorities ; if he speaks of well-known events of great importance, error as to which could be easily detected ; if he mentions the authors and sources from whom he derives

his statements ; if he had no motive for deceiving people, nay, even had to suffer for declaring the truth.

Monuments, such as statues, coins, columns, temples, tombstones, inscriptions, are reliable when their authenticity is indubitable. And their authenticity can be inferred from the written characters or inscribed symbols themselves, which point to a certain time and author, and also from testimony, oral or written.<sup>1</sup>

### THE CELTS<sup>2</sup>

The Celts are divided into two great families : the Gaels of Ireland, Scotland, and Man, and the Gallo-Britons. These latter are sub-divided into (i.) the Continental Celts or Gauls, who were conquered and submerged in the Roman Empire, losing their nationality and their language ; (ii.) the Britons of Great Britain, who arrived there from the Continent two centuries before Christ. The language of these Celto-Britons survives in modern Welsh and modern Breton, which is the language spoken by the descendants of immigrants from Great Britain into Brittany, which immigration took place subsequently to the beginning of the Christian era.

The Celtic race seems to have reigned in France for five centuries previous to the period of hardly greater length during which the Romans held sway in that country. There is probably more Celtic blood in Germany than in France. At the end of the second century before Christ, Germanic settlements began to be made in France.

When the Celts were at the height of their power in Europe, they held sway from the north of Scotland to the south of Portugal, and from the Atlantic Ocean to the Black Sea, and stretched southwards to nearly the middle of the peninsula of Italy. In Portugal the names of the towns of Lago-briga, modern Lagos, Caeto-briga, near

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<sup>1</sup> This exposition of the criteria of history is taken substantially from *Summula Philosophiæ Scholasticæ*, vol. i., pp. 243 *et seq.*, by Rev. Stan. Hickey, Ord. Cist.

<sup>2</sup> Books used : *Les Principaux Auteurs de l'Antiquité sur les Celtes*, by M. D'Arbois de Jubainville ; *Les Celtes*, by the same ; *Manuel de l'Étude Celtique*, Dottin ; *Alt-Celtischer Sprochschatz*, Holder.

Setubal, Mero-briga, modern Santiago-de-Cacem, and in Spain Brigantium, modern Corunna, testify to Celtic domination in the Iberian peninsula.

In the East, Celtic sway is proved by the names of Noviodunum, modern Isaktcha in the Dobrutcha; Carrodunum on the Dniester; Duro-storum, now Silistria in Bulgaria; Singi-dunum, now Belgrade in Servia; Brigatio, now O'szony in Hungary; Mediolanion, now Wolkersdorf in Lower Austria; Eburodunum, now Brunn, in Moravia; Meliodunum, on the frontiers, probably of Moravia and Bohemia; Carrodunum, modern Krappitz; Budo-rigum, modern Brieg; Lugidunum, modern Leignitz. Forty-two places called Mediolanum or Mediolanium, existed in Westphalia. Modern Milan in Italy, bore the same Celtic name.

In Spain and Portugal the Celts occupied right down to the south-west. They did not expel the Carthaginians from the south, nor the Greeks from the east.

In Italy they extended down to Todi on the Tiber, a little north of Rome. Rome itself they occupied for a brief time in 390 B.C.

In the Balkan peninsula, they reached the temple of Delphi in 279 B.C. Tyle, on the slopes of the Balkans, became the capital of a Celtic kingdom, which made Byzantium tributary and lasted from 279 B.C. to 193 B.C.

The place of origin of the Celtic languages, says Mons. D'Arbois de Jubainville, seems to have been a very small country on the banks of the Rhine, the Main, and the Danube, comprising modern Hesse-Darmstadt, the grand-duchy of Baden, Würtemberg, and northern Bavaria. The river Rhine bears a Celtic name, Rénos—compare Latin, *rius*, Irish *rian*. The name of the Sauber, a tributary of the river Main, is Celtic—*oobap*, meaning water. On the Main were three Celtic cities: Loco-ritum, modern Lohr in north Bavaria; Segodunum, modern Würzburg; and Deuona, modern Bamberg.

The word Danunios, modern Danube, seems a near relation of the Irish *dána*, bold, daring. Ratis-bona was the Celtic original of the modern name Ratisbon. Near

this town the Danube receives three tributaries called Laber, Celtic, *labara*, 'she who speaks, resounds'; Irish *labairt*, speaking. Not far from Ratisbon is another river called Lauter-ach, which name is connected with the Irish *lotur*, a canal.

We have the positive testimony of several ancient authors to the existence of the Celts in Germany. Julius Cæsar says <sup>1</sup>:—

There was a time when the Gauls were superior in courage to the Germans, and waged offensive wars upon them, and owing to the numbers of their population and the scarcity of land, they sent colonies across the Rhine. The Volcae Tectosages occupied the most fertile part of Germany around the Hercynian forest and settled there.

The places occupied by these Celts correspond to North Bavaria, Saxony, and Silesia. Bohemia was Celtic before the year 58 B.C. In 114 B.C. the Celtic Boii in Bohemia successfully resisted the attack of the Cimbri and Teutones.<sup>2</sup> In A.D. 98 the Celtic Cotini lived in Southern Silesia.<sup>3</sup> About 400 B.C. the two nephews of the great Celtic king Ambigatus (Ambicatus) led two expeditions, one into Italy, the other towards the Hercynian Forest. At that date some of the Boii were settled in Bohemia, others of them settled south of the Po, in Italy.

Dionysius of Halicarnassus, writing in the reign of Augustus, says :—

Celtica, *Κελτική*, is square in shape. It has for its limits the Alps, the Pyrenees, the Ocean, the Ister, i.e., the Danube, Thrace and Scythia. It comprises almost a quarter of Europe. The Rhine cuts it in two, Germanica, *Γερμανία*, to the east of the Rhine, and Gaul, *Γαλατία*, between the Rhine and the Pyrenees.

#### THE CELTS IN IRELAND AND BRITAIN

After the establishment of the Celts in the region to-day called North Germany, their oldest conquest was that of the British Isles, about 800 B.C. At the time of this

<sup>1</sup> *De Bell. Gall.*, vi. 24.

<sup>2</sup> Strabo, vii. c. 2, § 2.

<sup>3</sup> Tacitus, *Germania*, 43.

conquest the Celtic language had already lost initial *p* and medial intervocalic *p*. For instance, the Greek *παρά*, *παρά*, Latin *prae*, Gothic *ƿaura*, German *vor*, became in Celtic *are*, which is the Irish *ar*, *ar*, Gaulish and Breton *ar*. The Celtic tribe name Are-morici (*ar*, *mor*, *mor*), 'those who live on or near the sea,' contains this preposition. Ptolemy in the second century of our era mentions the town Aretaunon, Aretaunum, as situated *near* the mountains, Taunos, Taunus, a little to the north-west of Frankfort-on-the-Main. The same preposition *are* appears in the ancient name Are-cluta, attached to the region watered by the Scotch river Clyde.

With regard to *p* medial and intervocalic Greek *ὑπέρ* Latin *super*, corresponds to Gaulish *uer*, in old Irish *for*, in modern Irish *ar*.

In 800 B.C. the loss of *p* was universal amongst the Celts. The age of bronze lasted in Sweden from 1700 B.C. to 500 B.C. The Celts were masters and workers of tin mines in Great Britain from which country was taken the tin required for the making of bronze in the Mediterranean countries.

The first Celtic invasion of Britain and Ireland took place before 800 B.C. In 200 B.C. there was a second immigration of Celts into Britain, and into the south-west and north-west of Ireland. This second body of Celtic immigrants were Gauls who had changed Indo-European *q* into *p*. Hence Ptolemy (second century A.D.) speaks of the Epidii (*Ἐπιδιοί*), or 'cavaliers,' Gaulish *epos*, Latin *equus*, Irish *ech*. The Epidii seem to have lived in Kantire, in Argyleshire.

#### PICTI

The Picts was the name given by Latin writers of the late Roman empire to the peoples in the north of Great Britain, who remained independent of the Roman yoke. The name is found in Bede and in Nennius. From the same root came the name of the Pictavi, who lived at Poitou in France. The original root was probably *quicto*, of uncertain meaning. Ptolemy mentions the Parisi and their city Petuaria (*Περουαρία*), in the southern or English

portion of Great Britain. The following British, that is Celtic, peoples of continental origin and name, are mentioned by ancient authors. The *Itinerarium* of Antoninus speaks of the *Ατρεβάτιοι* or Atrebatas. One of their cities was Caleua (*Καληοῦα*), modern Silchester, south of Southampton. So Ptolemy. The name of the Continental Atrebatas mentioned by Cæsar and Strabo (*Ἀτρεβάτιοι*) survives in the modern Arras in the department of Pas-de-Calais. Winchester, chief town in Hampshire, takes its name from the ancient Uenta Belgarum of Antoninus' Itinerary.

In 57 B.C. Deuiciacos, according to Cæsar,<sup>1</sup> was the most powerful king in Gaul, and was master of Great Britain likewise. The Brigantes and the Menapii held at first Cassel, in France, as their chief town, then Tournai, in Belgium, and came over to the south-east of Ireland. Ptolemy speaks of these peoples as being in the south-west of Ireland. Our own *Ἰβερνία* speaks of the Cruithnig. The Gaulish Prydain is identical with the Irish Cruithne, early Celtic Britania, later Pritania, Latin Britannia, modern English Britain. The *Ἰβερνία* (ll. 19, 1, 25) describes the Cruithnig disembarking at the mouth of the Slaney, in Wexford, and fighting with other Celts the Tuath Fidga, or Fir Fidga, whom they defeated. This was a battle between the Brigantes or Cruithnig, and the Menapii. The Cruithnig were also in Ulster.

#### CELTS IN CLASSICAL AUTHORS

Mons. D'Arbois de Jubainville thinks that the word *κασιτέριδες*, found in Homer, and undoubtedly referring to the British Isles, is of Celtic origin. From this he concludes that the Gaels occupied the British Isles nine centuries before Christ.

In the tenth book of the *Odyssey* (ll. 81-86) the country of the Laestrygonii is described. The poet says that in that country the paths of the days and of the night are so close to one another, that an enterprising unsleeping

<sup>1</sup> *De Bell. Gall.*, vi. 3.

shepherd might gain double pay by guarding the oxen and by tending the white sheep. Karl Müllehoff and D'Arbois de Jubainville identify this country of the short summer nights with Great Britain.

Hecataeus of Miletus, famous in the great Persian War, who was born about 540 B.C., and died about 475 B.C., is the first Greek author to mention the Celts by name. He described on a map the world as then known, and speaks of Marseilles as in Liguria, near to Celtica, *κατὰ τὴν Κελτικήν*. He also speaks of *Νυραξ, πόλις κελτική*. Nyrax has not been identified. Novicum has been suggested as bearing on the question. These two brief references are the earliest mention of the Celts or Gauls.

The Rhipaeian Mountains, *Σιιαδ Ριφε*, mentioned in the *Λεαδαρι Ξαδάδα*, was a generic name for the mountains of Central Europe, especially the region of the Black Forest and the Carpathians. From a fragment of Æschylus' *Prometheus delivered*, 460 B.C., we learn that the Istros or Danube comes down from the Hyperborean and the Rhipaeian Mountains.<sup>1</sup> Damastes of Sigium (fifth century B.C.) says that the snow never leaves the Rhipaeian Mountains, *‘χίονα δ' αὐτὰ μήποτε ἐλλείπειν.*' These Hyperboreans were probably Celts, says D'Arbois de Jubainville.<sup>2</sup> They lived 'beyond,' that is, north of the Rhipaeian Mountains. Herodotus tells us that the Istros rises amongst the Celts. The Celts live beyond the pillars of Hercules, and are neighbours of the Cynesii, the last of the peoples of Europe to the West.<sup>3</sup> Herodotus wrote these chapters between 445 B.C. and 432 B.C. The Kynesii mentioned by Herodotus lived in modern Algarva, the most southerly province of Portugal.

There were no Celts in Spain previous to the middle of the fifth century B.C. Varro, 'the most learned of the Romans,' 116-27 B.C., and Strabo, who wrote under Tiberius A.D. 14-37, place the Celtic supremacy in Spain,

<sup>1</sup> 'Τοῦ Ἰστρον φησὶν ἐκ τῶν Ὑπερβορέων καταφέρεισθαι καὶ τῶν Ῥιπαίων ὄρων.'

<sup>2</sup> *Les Principaux Auteurs*, etc., p. 24. ;

<sup>3</sup> ii., 33 ; iv., 49.

as coming between that of the Perso-Phœnicians and that of the Carthaginians,<sup>1</sup> that is, from after 500 B.C. to 250 B.C. Himilco, the Carthaginian, writing about 500 B.C., mentions no Celts in Spain. The *Periplus* of Himilco has been lost to us, but it was in the hands of Eratosthenes 275-195 B.C.

Rufus Festus Avienus, pro-consul of Africa in A.D. 366, speaks of the Æstrymnides, i.e. the British Isles, as being rich in tin and lead. He calls Ireland *sacra insula*. It is inhabited, he says, by the 'Hierni.' Great Britain he calls the island of the 'Albiones.' The inhabitants of Tartessus (Guadalquivir) used to carry on commerce with the Æstrymnides.

Tartesiis in terminos Æstrumnidum negotiandi mos erat : Carthaginis etiam coloni, et vulgus, inter Herculis agitans columnas, hæc adibant aequora : quæ Himilco Paenus mensibus vix quatuor, ut ipse semet rem probasse retulit, enavigantem posse transmitti adserit.<sup>2</sup>

A band of Ligurians lived at the mouth of the Rhine, whence they were expelled by the Celts before the latter came over to these islands. Amber was gathered at the mouth of the Rhine.

Pytheas (fourth century B.C.) speaks of the British Isles as *Πρετάνικαι*, and not as 'Æstrymnides,' the name used by Avienus, who seems to have taken that name from Himilco. Hieronymus of Cardia, in the third century B.C., says the Celts lived in the end of Europe on the borders of a vast sea, the limits of which were inaccessible to ships. Pausanias in the second century A.D., following Hieronymus of Cardia, says : 'Οἱ δὲ Γαλάται οὗτοι νέμονται τῆς Εὐρώπης τὰ ἔσχατα ἐπὶ θαλάσσει πολλῇ καὶ ἐς τὰ πέρατα οὐ πλοῦμφ.'

Avienus had a Greek version of Himilco's *Περιπλοῦς*<sup>3</sup> in which the name of Ireland, Iverio, was probably written *ἰβρα*. Hence Avienus called Ireland '*sacra insula*.' Xenophon<sup>4</sup> tells us that Dionysius the Elder, tyrant of

<sup>1</sup> Pliny, *Nat. Hist.*, iii., 8; Strabo, l. iii., c. 4. §5.

<sup>2</sup> *Ora maritima*, vers. 113-119.

<sup>3</sup> *I.*, i., c. 3. §10.

<sup>4</sup> *Hell.*, vii., c. 1.

Syracuse, sent some Celtic troops in 369 B.C. to help the Spartans against the Thebans. 'Ἦγον δὲ Κελτοὺς τε καὶ Ἰβήρας καὶ ἱππεῖς ὡς Πεντήκοντα.' The Thebans were defeated. So also Diodorus of Sicily (first century A.D.) copying probably Ephorus or Theopompus (fourth century B.C.). The author of the work *Περὶ Νόμων*, ascribed to Plato, mentions some warlike nations, *πολεμικά*, who drink to intoxication. 'These are,' says he 'the Scythians and the Persians, the Carthaginians, the Celts, the Iberians, and the Thracians.'<sup>1</sup>

In the treatise *De Mundo* (first century B.C.) wrongly ascribed to Aristotle, mention is made of the Britannic Isles, Albion and Ierne. In the *Nicomachean Ethics*,<sup>2</sup> Aristotle says that the Celts fear nothing neither earthquake nor floods. Eudemus, a pupil of Aristotle, develops this idea.<sup>3</sup> So also Ephorus in the middle of the fourth century B.C.

Pythias, an enterprising inhabitant of Marseilles, in the year 320 B.C., travelled by sea from his native city to Bélérion, a promontory of Great Britain, which was said to be four days journey from Brittany.<sup>4</sup> So also Diodorus Siculus.<sup>5</sup> Bélérion is Land's End in Cornwall. The enterprising Pythias sailed right round Great Britain, up the east and down the west coast. On his way round he struck northwards to Thule, supposed to be Mainland, the most northerly of the Shetland Isles. Pythias' work has been unfortunately lost, but Strabo, following Polybius, tells us somewhat about his travels.

Callimachus, writing about 272 B.C., tells us in his fourth hymn that the Gauls attacked Greece in 279 B.C., and that some of them took service under Ptolemy Philadelphus, who was king of Egypt 285-247 B.C.

Timaeus (332-256 B.C.) tells us that the Celts who live by the ocean have for their chief gods the Dioskouroi,

<sup>1</sup> *De Leg.*, i.

<sup>2</sup> L. iii., c. 7.

<sup>3</sup> L. iii., c. i, §25.

<sup>4</sup> Cf. Pythias, *Περὶ τοῦ Ὠκεανοῦ πεπραγματευμένα*. Karl Müllenhoff, *Deutsche Altertumskunde*, t. i., Second Edition, p. 324, note.

<sup>5</sup> L. iii., c. 2, §3.

‘τοὺς παρὰ τοῦ Ὀκεανὸν κατοικοῦντας Κέλτας σεβομένους μάλιστα τῶν θεῶν τοὺς Διοσκόρους.’ The Celtic Castor was called Cernunnos, whom Mons. D’Arbois de Jubainville identifies with Conall Cearnach; Smertullos was the Celtic Pollux. Smertullos was also called Esus, and Mons. D’Arbois de Jubainville thinks he is our Cuchullain.

Polybius, 205-123 B.C., says he knows nothing of the British Isles.

Hecataeus of Abdera towards the end of the fourth century B.C., in his treatise about the Hyperboreans, says that near Celtica is an island as big as Sicily and inhabited by the Hyperboreans.

Orosius writing in A.D. 417 mentions in his work *Adversum paganos*, a city of Brigantia; ‘there,’ says he, ‘is a tower of great height, a most marvellous work. From this tower Great Britain is visible.’<sup>1</sup> This passage, according to Mons. D’Arbois de Jubainville, is the source of the famous passage in the *Lebor Gabála*.

Strabo seems to have concluded his *Γεωγραφικά* in A.D. 19. In his Fourth Book he refers to the British Isles.

Pliny in his *Natural History* tells us that the Emperor Tiberius ‘sustulit Druidas,’ so that they were obliged to carry on their rites, ‘aut in specu, aut in abditis saltibus.’<sup>2</sup> Could this be the origin of the Tuatha de Danaan living in caves, etc.? In the same work<sup>3</sup> Pliny treats of the British Isles or Cassiterides.

Flavius Josephus, born in A.D. 37, says that the ancestor of the Gauls was Gomer, the son of Japhet.<sup>4</sup> St. Jerome rejects this in Book xi., chap. 38, of his commentary on Ezechiel. Hence it found its way into our *Lebor Gabála*. Josephus, in his *Jewish Wars*,<sup>5</sup> says that there were 305 Gaulish nations, and that 1,200 soldiers were sufficient to keep them in subjection. There were at that time four Roman legions in Great Britain.

<sup>1</sup> I., c. 2.

<sup>2</sup> L. xxx., § 13.

<sup>3</sup> Book iv., § 119.

<sup>4</sup> *Antiquities of the Jews*, l. ii., c. 6, § 1.

<sup>5</sup> L. ii., c. 16.

Tertullian is the earliest Christian writer who speaks of the British Isles. His work, entitled *Adversum Judaeos* appeared in A.D. 208.

To Diogenes Laertius, who seems to have written between the years 180-222 A.D. we owe a Greek translation of the oldest Celtic triad known, 'Σέβειν Θεός, μηδέν κακὸν δρᾶν καὶ ἀνδρείαν ἀσκεῖν.'<sup>1</sup>

In the Panegyric of Constantius Chlorus, attributed to Eumenes, A.D. 297, it is stated that the inhabitants of Great Britain have no other enemies except the Picts and the Hiberni, who were still half-naked (*seminudi*).

TOMAS UA NUALLAIN, M.A.

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<sup>1</sup>*Vita Philosophorum*, Preface § 6.

# Notes and Queries

## THEOLOGY

### DOES DELEGATION TO ASSIST AT MARRIAGE CEASE AT THE DEATH OF THE PARISH PRIEST WHO GAVE IT?

REV. DEAR SIR,—Can a curate delegated to assist at marriage by a Parish Priest who dies before the marriage is celebrated act on that delegation? I once saw a reply in the negative; and two grave and classic authors, Gasparri and Rosset, were quoted for the decision. Dr. Murray also is of the same opinion (vide *De Impedimentis*, p. 190, No. 478, 3°). He admits such delegation would be valid *ad confessiones audiendas*, but he denies its validity in the case of marriage, as there, he says, the *delegatus personam parochi gerit 'ut testis,'* a distinction, which, I confess, is too subtle and refined for my taste.

On referring, however, to Noldin, *Matr.* p. 739. B, I find that he says the point is disputed, and adopts, himself, the affirmative view, because, as the delegation seems to be a *gratia facta*, it does not expire at the death of the person who concedes it. This view of Noldin's would appear to be rational and in accordance with the principles of Canon Law; or, at all events, it possesses such an amount of probability, as should entitle it to be safely reduced to practice.

The expression of your opinion cannot fail to be instructive and interesting to the readers of the I. E. RECORD.

A SUBSCRIBER.

The question raised by 'A Subscriber' has been discussed by many canonists and theologians. Practically all admit that delegation to assist at marriage does not cease till the death of the delegating Parish Priest is known with certainty to the delegate; and all hold, too, that if the delegate has begun to exercise his delegated authority (*re non amplius integra*), the delegation does not lapse even though the death of the delegating person is known to the delegate. The question, then, which creates difficulty, arises when the death of the authority granting delegation

is known and the delegate has not begun to act (*re adhuc integra*). Does the delegation lapse in these circumstances?

The solution of the question depends on the nature of the concession which the delegate has received. If his delegation is a *gratia facta*—a concession already completely bestowed on him—then the delegation does not cease according to the general principles of Canon Law; but if the delegation must be looked on as a *gratia facienda*—a favour yet to be bestowed—then the delegation ceases. Now, it is commonly, though not universally, admitted that general delegation to assist at marriages is a *gratia facta*, since it confers on the delegate himself, independently of any particular persons, a position of authority. If, however, the delegation to assist at marriage is for a particular case, some hold that it is a *gratia facienda*,<sup>1</sup> while others maintain that it is a *gratia facta*.<sup>2</sup> I believe that the opinion of the latter theologians and canonists is the better. As Wernz points out, those who say that this delegation is a *gratia facienda* fail to distinguish between the right to assist at a marriage and the actual exercise of this right. The right is a favour already granted to the delegate, while the exercise of the right is a favour to be bestowed on the contracting parties. He reasonably concludes, that, just as authority to ordain a stranger does not cease at the death of the bishop who gave it, so, too, authority to assist at a particular marriage does not cease with the death of the delegating parish priest.

Whatever be said about the speculative question, the grave authority of those who adhere to the lenient view is more than sufficient to render it safe in practice. In fact, as the names of Feije, Wernz, De Becker, Genicot, Aichner and Noldin amply prove, many of the most distinguished modern interpreters of ecclesiastical matrimonial law are in favour of the milder teaching.

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<sup>1</sup> Gasparri, ii., p. 152; Rosset, iv., p. 161; Santi-Leitner, iv., p. 155.

<sup>2</sup> Feije, p. 169; Wernz, iv., p. 290; Aichner, p. 675; De Becker, p. 97; Genicot, ii., p. 552; Noldin, iii., p. 695.

## CELEBRATION OF MASS WITHOUT AN ALTAR-STONE

REV DEAR SIR,—Would you kindly indulge me for a second query on a very practical and important point ?

It is, I believe, beyond all question, forbidden to make use of an altar, either fixed or portable, for the celebration of Mass, which has lost its consecration. Still, I suppose, it is freely admitted that if a priest immediately before a Mass of necessity notices that the only procurable altar-stone has lost its consecration, either because it is broken, or the sepulchre is opened, or wanting in relics, etc., he is allowed in this case of necessity to celebrate on the desecrated altar-stone. But is he also allowed in case of grave necessity to celebrate without any altar-stone whatever ?

The case may easily occur: v.g., the only altar-stone of the church has gone out for a private or corpse Mass, and has not, through mistake, been returned, and the priest cannot procure it for the parish Mass he is about to say. Can he celebrate, in that case, without an altar-stone ? I have heard it strenuously defended that he can, but I hold the opposite view myself—that he cannot celebrate in such circumstances.

Still, I have not much light or leading from the authors to go on. Except this: that though missionaries have often received the privilege of celebrating on an altar-stone that has lost its consecration, there is no instance on which they were allowed to celebrate without some kind of altar-stone which had been consecrated at one time or another; vide Genicot's *Casus*, p. 281, 'Sic etiam S. Sedes licet nunquam concedat facultatem celebrandi sine altari, concedit missionariis facultatem celebrandi etiamsi altare sit fractum vel sine reliquiis sanctorum.' Besides, I see that St. Liguori, Lib. 6, p. 88, No. 289, in discussing the matter, holds that it is not lawful to celebrate *without an altar*, even to procure the viaticum in case of need; and that it is doubtful whether it is lawful to so celebrate even *propter metum mortis*. In this latter extreme case he himself maintains even that it is not lawful.

Assuming, then, that authors understand by *altar*, a stone fixed or movable, once consecrated, though now, perhaps, desecrated, I infer *a fortiori*, that it is not lawful to celebrate without some altar (stone) in the case of grave necessity, such as a parochial Mass. But I am, of course, quite open to correction and speedy conviction.

A SUBSCRIBER.

The opinion of my correspondent is, I believe, in harmony

with the practice of the Church and the teaching of theologians. Undoubtedly it is lawful in case of necessity, such as arises when many of the faithful would otherwise fail to fulfil their obligation of hearing Mass on Sunday, to celebrate Mass on an altar-stone which has lost its consecration.<sup>1</sup> The Church, however, makes a marked distinction between celebrating on an altar-stone that has lost its consecration, and celebrating without any altar-stone; so much so that though permission has been given for the former it has not been given for the latter. Furthermore, theologians lay down that, even for consecrating the Viaticum, it is not lawful to celebrate Mass without an altar-stone; and they commonly hold that celebration of Mass without an altar-stone is not lawful even for the purpose of avoiding threatened death. It is quite reasonable to conclude, with my correspondent, that it is not lawful to celebrate without an altar-stone for the purpose of giving the people an opportunity of hearing their Sunday Mass. The following extract from Ferraris, *Prompta Bibliotheca*, Altare, n. 84, shows the attitude of theologians towards celebrating without a fixed or portable altar:—

Ob metum mortis docet Diana cum Sylv., etc., p. iii, t. vi, r. 48, et p. iii, t. iii, r. 39, posse sacerdotem sicuti non jejunum, ita sine altari celebrare, dummodo celebratio non exigatur in contemptum religionis, vel ecclesiae, vel ejus praeceptorum. Verum, quidquid sit de jejunio, *certe semper illicitum est sine altari*, etiam cum mortis periculo, celebrare. Nam licet praecepta ecclesiastica non obligent cum gravi incommodo, istud tamen celebrandi cum sacris vestibus et in altari consecrato adeo rigore acceptum est ab ecclesia, ut in nullo casu dispensasse sciatur<sup>2</sup>; et propterea vestes et *altare reputantur ut quid intrinsecum cultui tanti sacrificii*. Ea ergo nunquam praeterire licet, tum quia vix potest accidere sine contemptu, tum quia id non potest fieri sine scandalo, aut saltem sine magna irrever-

<sup>1</sup> Cf. Berardi, *Praxis Confessariorum*, iii., p. 98; Genicot, *Casus Conscientiae*, ii., p. 281.

<sup>2</sup> On the 20th November, 1828, the Propaganda granted a dispensation to certain missionaries in China enabling them to celebrate Mass 'absque solitis utensilibus, et sine sacris vestibus, vel cum aliquo tantum et magis necessariis, ubi ceterae haberi non possint; idque, praesertim ubi urgeat necessitas Eucharistiam populo aut infirmis dispensandi.'

entia; quapropter hic subit praeceptum naturale reverentiae in quocunque casu debitae sacrificio, a quo praecepto metus mortis non excusat.’

If no contempt of the Sacrifice of the Mass were present, or if no scandal were given, the irreverence arising from the absence of an object like an altar-stone, which is so intimately bound up with the Mass in the mind of the Church, would still make it unlawful to celebrate in the circumstances described in the question of ‘A Subscriber.’

#### RETENTION OF QUASI-DOMICILE

REV. DEAR SIR,—Mary, a servant girl whose paternal domicile is in the diocese of K—, has been in employment in C— in diocese of W— for the past three years. She is about to get married to J— who lives in another parish in the same diocese. Owing to the serious illness of a member of her mistress’s family it is found inconvenient to have the marriage take place from the house where Mary is employed. Accordingly she gives up her employment and *goes to reside in a house in the same parish with the intention of getting married in the parish church the following week.*

Can the Parish Priest of this parish perform the marriage ceremony without the permission of the Parish Priest of paternal domicile? or, in other words, has Mary lost her domicile or quasi-domicile by changing her place of residence? or is the domicile or quasi-domicile attached to the *parish* and not to the place of residence?

W. H. C.

The girl did not lose her quasi-domicile when she left her employment: she retained it until she departed *from the parish*, not having the intention of returning to reside either in the house of her employer or in some other house within the confines of the parish. Hence the parish priest of the place where the girl was employed could validly and lawfully assist at her marriage without the permission of the parish priest of her paternal domicile.<sup>1</sup>

Speaking on the retention of a quasi-domicile, Feije says:—

Animus manendi per maiorem vel dimidiam anni partem

<sup>1</sup> For a full discussion of this question see I. E. RECORD, February, 1900.

ita intelligendus est ut non requiratur denuo singulis annis subsequentibus, sed commoratio anno praecedenti jam per ejusmodi tempus protracta et non derelicta sed adhuc continuata, sufficiat etiam pro anno subsequenti, licet animus desit hoc quoque anno manendi per majorem vel dimidiam anni partem. Attamen sedulo curandum est ut parochianus vel parochiana non deserat suum quasi-domicilium ante diem celebrationis matrimonii, sed *maneant in parochia*, sive in eodem ex. gr. famulatu *sive in alia domo intra parochiam*, usque ad contractum in ea matrimonium; secus enim quasidomicilium disparet.<sup>1</sup>

J. M. HARTY.

## CANON LAW<sup>2</sup>

### LETTERS OF INCARDINATION TO LAYMEN

IN the last number of the I. E. RECORD, having treated of the first rule laid down by the Congregation of the Council in the Decree *Excardinationis et S. Ordinationis* of 24th November, 1906, we come now to explain the remaining two dispositions of the same document, one dealing with incardination, the other with the oath to be taken for the incorporation in a new diocese.

II.—The rule about incardination is expressed in the following terms: 'Acceptatio ne fiat nisi servatis regulis quae pro clericis incardinandis statutae sunt, et superius sub numeris II, III, IV, et V recensentur; et servato quoque decreto *Vetuit* diei 22 Decembris 1905 quoad alumnos a Seminariis dimissos.'

(a) Incardination of laymen in a new diocese is here styled *acceptatio* because, in reality, excardination and incardination form a kind of gratuitous contract between two bishops, one handing over his powers on a particular subject to the other, who on accepting the donation thus offered to him acquires the competency necessary to promote to sacred orders the newly incardinated subject. In common

<sup>1</sup> *De Imp. et Disp. Matri.*, n. 229, 3°.

<sup>2</sup> The omission, through oversight, of the word 'obsolete' before the expression 'old legislation' in our article last issue (p. 311, line 11), changed considerably the meaning of the whole sentence.

use, however, the acceptance of this sort of donation is called after the effect which it produces of connecting a layman with a new diocese. This connexion is termed 'incardination,' from the Latin word *cardo*, a hinge, as if a man in his attachment to the new diocese were hinged to it after having been excardinated or unhinged from the former diocese. As in the case of the word 'excardination' the corresponding term 'incardination' owed its origin to usage, at least as far as the present meaning of the word is concerned, it has now been sanctioned by recent Decrees and become a technical expression in this matter.

What is the effect of an incorporation? As an immediate result of the incardination to a diocese a layman becomes subject to the superior of the place and attached to the new church, thus partaking of all the rights and assuming all obligations common to the other subjects of the diocesan bishop; but the effect of special consideration and primary importance is to make the incardinating bishop *proprius*, or competent to confer orders without the necessity for the candidate to acquire in the new diocese the domicile prescribed by the Bull *Speculatores*. 'Hac ratione adscriptus,' says the Decree *A Primis*, 'posse quidem ad ordines promoveri.'

But a bishop cannot exercise this right without taking into account the solemn and grave warning following the above-quoted words of the Decree. It reminds him that it is strictly forbidden to hurriedly and indiscriminately impose hands on all sorts of candidates. It behoves the ordaining bishop, therefore, to consider beforehand and in each case whether it is expedient and safe to promote immediately to sacred orders newly incardinated students of whom he has no personal experience and proof as to the qualifications required for the exalted state to which he is going to raise them; or whether it be more prudent to put them through a period of further probation to test in a more conclusive and definite manner their vocation to the sacred ministry. No incardination, however formal, is a promise of immediate ordination, and it would not be deemed too exacting for a bishop if, before conferring orders on new and scarcely

known candidates, he demanded more evident proofs of vocation than in the case of his own students, born in the diocese, and educated for many years in the diocesan seminary. Moreover, he must bear in mind the injunction of the Council of Trent, that only those who are necessary or useful to a diocese are to be promoted to sacred orders. Accordingly it is incumbent on him to make certain, before ordination, that the services of the new candidates are needed by his church, and that they will prove useful to the spiritual well-being of his people.

(b) An incardination to a diocese is to be made by the diocesan superior. No doubt, he is the bishop of the place who may accept a new subject and thus acquire the powers transferred to him by the bishop of the original diocese. The Decree tells us: 'Incardinationem faciendam esse ab Episcopo.' A good number of canonists,<sup>1</sup> however, agree in holding that not only a bishop, but even a vicar-capitular, has the power of making incardinations, for the reason that if it is forbidden to make, *sede vacante*, serious diocesan modifications in the way of alienations, there is no prohibition to make acquisitions, both of property and persons calculated to be necessary or useful to the welfare of the diocese. Whether the same power can be attributed to a vicar-general is not clearly stated in any canonical work we are acquainted with. However, we are inclined to hold that a vicar-general cannot make incardinations, at least without the knowledge of the bishop. To grant letters of excardination and dimissorial letters is not within the powers of a vicar-general, on account of the gravity and importance of the matter, and it is not a less grave and important matter to undertake the responsibility of admitting, by incardination, candidates to be promoted to sacred orders. Holy Orders are to be conferred only on those who are necessary or useful to the Church, and, according to the Council of Trent,<sup>2</sup> the bishop alone is the judge of that necessity or utility for his diocese; hence he is the only one

<sup>1</sup> De Angelis, lib. i., tit. 28, no. 21; Bargilliat, 1, 829; Santi, lib. i., tit. 28, n. 56; Aichner, p. 417, etc.

<sup>2</sup> Sess. 23, c. 16.

who has to receive candidates for ordination ; and, moreover, the inconveniences which may arise from a refusal of the bishop to confer orders on candidates already incardinated for that purpose to his diocese by the vicar-general are obvious.

(c) As in the case of excardination, incardination, in order to be valid, must be given in writing. All customs or particular laws admitting of equivalent, presumptive, or *viva voce* incardinations have been abolished by the Decree *A Primis*. In fact, the Delegate Apostolic in the United States asked the Congregation of Propaganda, whether the Statute No. 66, of the Third Council of Baltimore, recognizing as valid presumptive incardinations has been abrogated by the Decree of 1898, which requires a written document for all incardinations, and the answer was in the affirmative, given by the Congregation of the Council, by delegation of Propaganda.<sup>1</sup> The reason of the abrogation is found in the final words of the Decree, *contrariis quibuscumque minime obstantibus*, which, according to Layman,<sup>2</sup> abolishes all, even particular previous practices and laws, as if they were specially mentioned and abrogated by the new Decree.

A written document, then, is certainly required for the validity of an incardination *in foro externo*, for no act can be admitted to be valid before the law without an authentic external proof, and without the kind of proof already established by positive legislation. But a more difficult question still remains : Is an incardination without a written document also invalid *in foro interno* ? Here we are confronted with a rather complicated question, often discussed by canonists, who, in their endeavours to solve it, arrive at different conclusions. However, we are not now going to give all their views, and the grounds of their contention, the whole matter being foreign to our purpose and province, but, personally, we have always inclined to hold the opinion of those who maintain that, unless it be question of mere execution of letters or of express law re-

<sup>1</sup> S.C.C., 15 Sept., 1906 ; *Acta S.S.*, vol. 39, p. 498.

<sup>2</sup> Layman, lib. i., tit. 2, cap. 1, n. 12 in 6 ; *Acta S.S. l.c.*  
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quiring an external proof for all cases, the written document affects the validity of the act only *in foro externo*, and this, says D'Annibale, is *aequius, iuri conformius et communissimum*.<sup>1</sup> *In foro interno*, the existence and validity of an act does not depend on its external evidence, and it is well admitted that a written document rather than being a constituent element of an act is only the extrinsic proof of its existence and of its juridical effects. This is the theory of the old Roman law<sup>2</sup> as well as the doctrine of canonical jurisprudence.<sup>3</sup> If, for instance, two bishops meet and, *oretenus*, come to an agreement by which one transfers to the other all his powers towards a particular subject, the offer being duly accepted what more is there required for the existence and completeness of this incardination, which is nothing else than a sort of donation? True, that in the interest of ecclesiastical discipline, and to guard against possible inconveniences, the successors of the bishops in question or other diocesan superiors are not bound to believe or accept as valid *in foro externo* that sort of contract, unless a document be produced as authentic proof of its existence.

(d) Is there any cause required for the lawfulness of an incardination? As an incardination of a layman to a diocese is made with the view to a subsequent ordination, the motives required are those usually assigned for the promotion to sacred orders. The Council of Trent has already indicated the cause, by stating that no bishop can confer orders on any candidate unless he be necessary or useful to his diocese, and to the spiritual well-being of the faithful. A contrary course would create the deplorable state of the clergy lamented by the Fathers<sup>4</sup> before the Council of Trent,

<sup>1</sup> Cf. D'Anniba e, i., n. 243.

<sup>2</sup> 'Nempe fiunt scripturae ut quod actum est facilius probari possit' (Lib. 4, De Pign).

<sup>3</sup> In the observations 'ex officio' in the *Causa Excard. et S. Ordin.* it is stated: 'Excardinatio enim et incardinatio veram importat alienationem de una ad aliam diocesim cuius effectus iuridici certo certius probari debent; quod quidem nonnisi per documentum scriptum obtinetur.'—Cf. *Acta S. Sedis*, vol. 39, p. 492.

<sup>4</sup> Cf. Bened. XIV., *De Lyn.*, ii., c. 11, n. 2; Bellar, *De Gemitu Columbas*, lib. II., c. 5.

when the excessive number of ecclesiastics, far beyond the needs of the diocese, rendered them idle and useless, being in consequence a constant source of harm to themselves and to others.

(e) Incardination is to be made unconditional and perpetual, without any express or tacit limitations or reservations as to right and time, so that the newly-incardinated subject would find himself in the same condition and juridical status as he was in his former diocese, and towards his former bishop. In some countries there is a practice of sending priests, for a number of years, from one diocese to another, to help the local pastor and clergy in their services to the Church, and in the fulfilment of their duties towards the people. This laudable custom, far from being condemned by the present Decree or any other ecclesiastical law, has been, on the contrary, encouraged and praised by the Holy See as an indication of apostolic zeal.<sup>1</sup>

(f) An incardination cannot be made by a bishop without having beforehand the legitimate document of a layman's perpetual dismissal from his original diocese. A legitimate document is not necessarily a printed form, with all external solemnities usually employed in an *exeat*. All that is accidental to the letters. It is a legitimate document if it be official, authentic and embodying all clauses and conditions required by law. Hence a legitimate document may be had by private letter<sup>2</sup> and even by wire.<sup>3</sup> No doubt if such a method were systematically used it might lead to abuses and perplexities, especially on account of the difficulty of preserving the original document in the diocesan archives; so, if necessity does not make it imperative this method is not to be resorted to, and letters of excardination should be granted in the usual solemn form.

In addition to the document of excorporation testi-

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<sup>1</sup> Cf. *Acta Conc. Plen. Amer. Latinae*, 1859, art. 365; S.C.C. ad Epis. Prov. Mediol., 1849.

<sup>2</sup> *Acta S. Sedis*, vol. 39, p. 490.

<sup>3</sup> The Holy See, as a rule, does not admit of or answer questions by telegraph. If it does, in some emergency, grant faculties or dispensations by telegraph, they become available if the wire is sent *ex officio*.—S. Off., 14 Aug., 1892; Decl. Secr. Status, 10 Dec., 1891.

monial letters, secret if necessary, from the bishop of the original diocese are required, to bear testimony as to the birth, life, morals, and studies of the candidate. And if he comes from a different nation or speaks a different language, the information about his life and morals must be in all cases secret and favourable, and in general the accepting bishop is bound to adopt in the latter case more strict and precautionary measures, *onerata super hoc Episcopi conscientia*. For this information, a written document, though most useful, is not absolutely necessary, for the decree requires only *opportuna testimonia*, which may be had even *viva voce*, or may be conveyed by any other means, secret or otherwise, according to the different circumstances.

(g) Finally, in making an incardination the provisions of the Decree of the 20th December, 1905, on the dismissal of students from ecclesiastical colleges are to be observed. Briefly, we sum up the dispositions laid down in the above-mentioned Decree.

1. No ordinary, hereafter, can admit into his seminary extradiocesan clerics or laymen without asking their own bishops, by secret letters, whether these students were ever expelled from the diocesan seminary. In case the answer is in the affirmative, abstaining from examining the causes of their expulsion, and from determining the justice or otherwise of the bishop's decision, he must refuse them admittance into his own seminary.

2. If a bishop has already admitted extradiocesan students to his own seminary, but only *bona fide*, because they failed to tell him of their dismissal from the diocesan seminary, then, in knowing this fact, he may turn them out of his college, or he may allow them to remain, but only on condition that they must be instantly incardinated to his diocese and that they cannot, after being ordained priests, return to the diocese from whose seminary they were expelled, nor can they fix there a permanent domicile.

3. For the same reason, those who are dismissed from a seminary and join a religious order or congregation, if dismissed after being initiated to sacred orders are not

allowed to return to the diocese from whose seminary they were expelled.

4. Dismissed members of religious orders or congregations may be admitted to a diocesan seminary, provided the bishop asked, by secret letters, and obtained from the religious superiors some information as to the morals, character, and ability of the candidates in order to make sure that there is nothing in them which will be deemed unworthy of the ecclesiastical state.

III. The last rule of the Decree under notice, dealing with the oath to be taken on the occasion of an incardination, is stated thus :—

Sed iuramentum ad tramitem Constitutionis ' Speculatores ' requisitum, praestandum esse ante clericalem tonsuram. Verum cum obligatio permanendi in dioecesi non propria, eique in perpetuum serviendi, ante maiorem aetatem non sine difficultatibus et periculis suscipi possit, cavendum esse ab Episcopis ne ad clericalem tonsuram admittant qui aetate maior non sit.

(a) In the same manner as clerics seeking for an incardination, laymen are bound to take an oath before being received in a new diocese. This oath is not identical with, but only analogous to that prescribed by the Bull *Speculatores* for the acquisition of the domicile available for ordination. In the latter instance the oath is a proof of the intention of perpetually remaining in the new domicile and the candidate swears ' se vere et realiter animum huiusmodi habere,' after having already taken up his residence in the new locality; but in our case the oath is required, not in order to acquire a domicile, but only to complete an incardination which may sometimes take place independently of a canonical domicile, as it often happens that an incardinated student does not go to his new diocese until he has been raised to the priesthood. Hence, wherever he resides at the time of the incardination, it will suffice for him to promise under oath to subject himself to the authority of the new bishop, and, under his direction, to spend his life in the service of the new diocese. It is to be borne in mind,

however, that this oath does not create or impose more strict obligations than those already contracted by the other subjects of the diocese ; so that a cleric or a layman may, after his incardination, avail himself of the faculty accorded by general law to any diocesan subject of leaving the diocese and joining a religious order or congregation.

(b) The oath for the incardination, being a personal promise, is to be taken by the candidate who wishes to be incorporated in a new diocese. It is true that a father may take an oath in order to acquire the domicile required for the ordination of his son not yet of age, but here we are dealing with the oath of an act which cannot be made by proxy. An incardination is a personal act and personal must be the promise of assuming and fulfilling the inherent obligations towards the new diocese and its superior. On the other hand, it is not a personal duty of the diocesan ordinary to administer this oath. He may recognize as sufficient and accept as valid the oath taken personally by the candidate but administered by any person even without his delegation.

(c) The last part of the rule under consideration is to the effect that the oath must be taken before the tonsure is received ; and since the obligation of remaining in another diocese and serving it for a lifetime cannot be assumed without difficulty and danger by young men before coming of age, bishops are warned not to admit them to the tonsure until they have attained their majority.

Absolutely speaking, and according to the canonical legislation, it is not necessary for a layman to be of age in order to promise under oath to remain for ever in a new diocese, and spend there his life in its service, as it is question of an obligation which may be contracted even by minors ; but this disposition was made with a view to meeting the difficulties arising from the disagreement of the canonical legislation with the civil law of some countries where only those who are of age or emancipated are allowed to make such a promise, to contract obligations and acquire a personal domicile.

As minors, therefore, are not permitted to take an oath

during the period of their minority, and as an oath, on the other hand, is one of the conditions for an incardination, it seems to follow that an incorporation of youths not yet of age cannot be effected or, at least, it is a useless one, considering that they have to wait until the attainment of their majority in order to be admitted to sacred orders and even to tonsure. The delay of the ordination, however, is not in the circumstances a cause of detrimental consequences, as bishops may confer orders in a short time by dispensing from interstices.

Now, is it a fair question to ask: Can this law, at least as far as the taking of an oath is concerned, be observed in Ireland? There seems to be a rather common impression that whenever an oath is ordered by ecclesiastical law to be taken for the fulfilment of some disciplinary enactment, it may be safely omitted in this country. The reasons alleged for the omission, as far as we know, are two: the prevailing custom against it, and the positive prohibition of the law of the land. As to the custom it is clear it cannot be adduced as a valid excuse for the exemption from the observance of this disposition of the law under consideration. No doubt a custom may be introduced against this law and, as a matter of fact, a custom has already been introduced in some countries against the Bull *Speculatores*, requiring an oath as a condition for the domicile available to receive orders. In our case also a custom has been prevailing in several nations of giving letters of excardination to laymen without the practice of taking an oath on such an occasion; but we have to take into consideration that in this new Decree there is an explicit injunction of taking an oath, and also a final clause, *contrariis quibuscumque minime obstantibus*, which abrogates all previous laws and customs, even particular ones, as if they were expressly mentioned and abolished.<sup>1</sup>

With regard to the prohibition of the civil law, we are at one with those who maintain that if it is really in existence it creates a moral impossibility of complying with the

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<sup>1</sup> Layman, L.C.: *Acta S.S.*, vol. 39, p. 493.<sup>2</sup>

opposite ecclesiastical law, on account of the unpleasant consequences which may follow its violation, and *Ecclesia non obligat cum gravi incommodo*; but is there such a prohibition in the civil law, and would it cause such an inconvenience as to be a sufficient excuse for not observing the contrary Church law? Not pretending to be experts in such a matter we turned for information both to law books and to specialists and wise persons. First of all, we find the prohibition in question in the Statute 5-6 William IV, c. 62, s. 13, as follows:—

It shall not be lawful for any Justice of the Peace or other person to administer, or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such Justice or other person has no jurisdiction or cognizance by some statute in force at the time being; provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences, or touching any proceedings before either of the Houses of Parliament or any Committee thereof respectively; or to any oath, affidavit, or affirmation which may be required by the laws of the foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.<sup>1</sup>

Although the above-quoted statute—which we suppose to be the latest bearing on the subject—seems to have a definite meaning, yet its interpretation is rendered somewhat doubtful by the different notions and impressions about the prohibition therein contained.

Some maintain that it is only in case of compulsion that a private person cannot administer an oath, but perhaps they mistake the present statute for that of Charles II, c. 12, s. 13, which forbids ecclesiastical superiors to tender or administer the oath called *ex officio*, and only in the case that it would compel one to confess, accuse or purge himself of any criminal matter.<sup>2</sup>

<sup>1</sup> Taken from Archibald's *Criminal Pleadings, Evidence and Practice*, Edit. 23rd.

<sup>2</sup> Cf. Blackstone, *Com. on Engl. Law*, iii., p. 101.

Others say that it is only the oath thus administered by unauthorized persons which is considered as invalid by law, and devoid of juridical effects, but the person who administers it is not held as guilty of any indictable offence, and corroborate their contention by the fact that several cases of oaths administered by private persons have been tried in law courts only with the result already mentioned. If that be so, and if we take also into consideration the practice followed by some authoritative and experienced persons who administer oaths either on private or public occasions without the slightest apprehension of danger and the faintest notion of transgressing any law, there seems to be no reason for discontinuing such a practice, and for the omission of the oath on the occasion of an incardination.

On the other hand, two specialists on the subject, whose opinion we have been able to secure, tell us that the prohibitive law in question is still in vigour, although in practice it may not be sufficiently enforced, and that there is no foundation for the opinion of some lawyers who maintain that canonical legislation is regarded in English Law as the law of a foreign country, and that, therefore, an oath required by Canon Law comes under the exception of the final clause of the above-quoted statute. Personally, we are inclined to share the opinion of these two eminent jurists.

In the uncertainty of the different opinions one thing, anyhow, seems evident to us, that if a practice is going to be started not quite in accordance with the dispositions laid down in this new Decree, it would not be deemed prudent to do so without having beforehand recourse to the Holy See, and acquainting it with the difficulty of complying with this recent ecclesiastical law, in order to get opportune instructions in connexion with the line of practice to be followed under the circumstances in these countries.

S. LUZIO.

## LITURGY

## MATERIAL OF CHALICES AND PYXES

REV. DEAR SIR,—Recently I sent an old ciborium electroplated on copper and gilt inside, to a silversmith to be re-inaurated. He informed me that it was not lawful to re-gild such a ciborium, and that at least he was quite sure it was contrary to the Rubrics to re-gild a chalice of similar material. Is it forbidden to use a ciborium or chalice of this description ?

CLERICUS.

By the general law of the Rubrics the chalice and pyx (or ciborium) should be made of gold, or of silver. In the latter case the interior of the cup of the chalice and of the bowl of the pyx should be gilt with gold or, as it is called, *inaurated*. From this ordinary legislation a departure is admitted or tolerated for the usual reasons. That is to say, where a church is very poor and the precious metals are scarce and expensive, then the baser sort may be employed, but always on the condition of having these portions gilt that come into contact with the sacred species. The Rubrics *De Defectibus Missae*<sup>1</sup> sanction the use of *stannum* (an alloy of silver and lead) as a substitute for silver, where a church is poor or in a state of persecution. Copper was permitted in similar circumstances by Pius IX to the Indian and Chinese Missionaries. This same Pontiff in a Decree dated December 6, 1866, sanctioned the employment, under certain conditions, of an alloy of aluminium and other metals as a substitute for silver, provided that the entire surfaces of the chalice and pyx were electro-plated, and that in addition the inside of the cup of the chalice and of the bowl of the ciborium was gilt with gold. This instruction or decree was held to be of general application wherever the conditions were fulfilled under which it was designed to operate. It is doubtful if there is really in any part of Ireland at the present day a church where these conditions are fulfilled. The Decree is omitted from the recent collection, published in 1900, so that any sanction

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<sup>1</sup> Tit. x., n. 1.

it, gives for using sacred vessels made of baser material no longer obtains. Moreover, in 1866, the Congregation of Rites<sup>1</sup> decided that no chalices were to be consecrated unless the material used was in conformity with the approved regulations. What applies to chalices is also true of ciboriums or pyxes.<sup>2</sup>

It may still be asked whether a chalice or ciborium that was made of inferior material in justifying circumstances could still be continued in use after the necessity has ceased? This may be the case contemplated in our correspondent's query. Such a vessel might be used till it had become worn and served its day, but there can be no excuse for having it regilt. The silversmith, then, was quite right in declining to re-inaurate the article presented, the proper treatment of which would be to have it melted down and manufactured into candlesticks, or some other altar ornaments, if it were worth the trouble.

It may be opportune here to repeat a word of advice which is offered gratuitously by authors to those priests who wish to purchase chalices, or other sacred vessels. In the first place it is always better to procure a genuine article of good solid silver. It will be cheaper in the long run, for silver is more durable and lends itself to gilding far better than alloys of less precious metals, so that the periodical cost of re-gilding will be saved. As articles are sometimes sold as solid silver which are not really such, if the purchaser cannot trust his own judgment and discrimination, he should deal with a thoroughly reliable silversmith, whose reputation is already established for honest, skilful workmanship. It is possible to procure a good silver chalice at the present moment for about four or five pounds, and there is no church that cannot afford so much. Of course, a ciborium can be had at a very much lower figure. Some idea of the equitable cost can be gauged from the weight of silver and amount of skilled labour employed.

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<sup>1</sup> Decr. n. 3136.

<sup>2</sup> The Rubrics of the Ritual say the ciborium should be made '*exdecauti materia*'; but a Decree of the Cong. of Bishops and Regulars restricts this material to silver.

Next with regard to the form of the chalice. The base or foot may be either round or scalloped, and should be so wide that it will stand firmly and not be easily overturned. The cup, like an inverted and truncated cone, should be broad at the lip and narrow at the base, and should not be too deep, since the thumb of the consecrating bishop is expected to reach and anoint the bottom with chrism. The stem should have a knob at the centre, and this knob ought to be of such a kind that it may be easily grasped by the right hand when the forefinger and thumb are joined. In some chalices the knob is so overladen with ornamentation of varying degrees of angularity that it is a positive torture to take it firmly in the hand with these two fingers already engaged. The foot and outer portion of cup may be ornamented with appropriate designs, but the chasing should not approach so near the upper extremity of the cup as to be within touch of the celebrant's lip in the act of drinking. A cross might be conveniently engraved on the foot which, being always kept next the celebrant, would guide him in taking the ablutions from that part of the cup from which he took the Precious Blood.

The same remarks apply to the ciborium. It should be provided with a conical-shaped cover surmounted by a plain cross or crucifix. The bowl should be so fashioned that it can be easily purified. The pyx, properly so called, should have a rounded and not an angular bottom, as in the latter case the purification is sometimes a matter of difficulty.

#### CONFRATERNITY OF THE SACRED HEART

REV. DEAR SIR,—A branch of the Archconfraternity of the Sacred Heart was established in this church ye rs ago. For some time past the association has been in a state of inactivity, the members dropped off, meetings ceased to be held, and the whole life of the branch seemed to become extinct. Now, may I kindly ask (1) whether, with a view to resuscitate it into vigour and activity, it is necessary to have a new canonical erection and affiliation? (2) If this is not required, what steps must be taken for establishing the branch? (3) I would also

wish to know if members can gain the Plenary Indulgence by going to Communion, on the First Sunday, as well as on the First Friday?—Yours, etc.

ANXIOUS.

There is no canonical re-erection necessary if it can be authoritatively proved by the Bulls and Briefs of concession, or any other documents in the parochial archives, that the branch has been formerly canonically erected, even though for some time the activities of the branch may have become dormant, owing to want of members or any other cause. This was decided by the Congregation of Indulgences, in 1839, in answer to a question the terms of which were almost identical with that just proposed. Here is the reply : ' Non indigere nova canonica erectione ; ac si etiam ob defectum confratrum ipsa desieret, tamen Indulgentiae ac Privilegia in Bulla contenta minime amissa esse proindeque vigere.' The explanation of this is that the society continued to exist *de jure* during all this period that its activities were suspended, even though *de facto* its energies were not manifested. There is, however, a period of inactivity after which a new canonical erection would be necessary. If, for instance, a branch had become practically dead, and remained so for an immemorial time, or one hundred years in other words, then the presumption would be for a new erection. Here it could not be regarded as existing *de jure*. So, too, a much shorter period of inactivity might render a new erection necessary if it could be established that the society was suppressed by legitimate authority. All, then, that is necessary in order to resuscitate the branch of which there is question, presuming that it was really erected canonically and also affiliated to the Archconfraternity at Rome and that the period during which it gave no signs of existence is comparatively short, is to revive the usual exercises and put its statutes into operation, by enrolling new members and holding all the customary meetings, etc. No new affiliation will be necessary if it is also certain that this formality has already been complied with. As soon as the branch is vivified all its indulgences and other privileges will revive.

The members of the branch can gain the Plenary either on the First Friday, or on the First Sunday of the month.

The Archconfraternity of the Sacred Heart has its headquarters in the beautiful church of Sancta Maria della Pace, Rome. It is under the direction of the pious association of St. Paul, and its present secretary is Mons. Can. Borgia (Seminario Romano). Owing to its many excellent objects and to the opportunities for the practice of sound religious works which it affords its associates or members, it appears to rank among the noblest and most practical of the confraternities.

#### SHOULD CANDLE USED AT MISSAL CONTAIN WAX?

REV. DEAR SIR,—For a long time past I have been in the habit of celebrating Mass at an early hour in the morning, so that I find it necessary, for several months of the year, to use, besides the two wax candles prescribed, a third to give light for reading the Missal. I find that, for this purpose, paraffin candles give better light and are much more satisfactory than wax ones. I shall feel much obliged if you kindly have the following questions relative to this matter answered in next number of the I. E. RECORD:—

1. Is it prescribed that the candle used at the Missal be of wax?
2. And supposing an affirmative answer to the first question, is the fact that paraffin candles give much better light than those made wholly or partially of wax, a sufficient cause for using the former in preference to the latter for the aforesaid purpose?—Yours, etc.

S. R.

The Missal candle should contain about 25 per cent. of pure wax. It will be in the recollection of our correspondent that a short time ago a Decree was published by the Congregation of Rites on the subject of the quality of candles to be used in functions at the altar. The decision was that the Pascal candle and the two candles used at Mass should be of pure wax *saltem in maxima parte*, and that all the other candles placed upon the altar should contain bees' wax *in notabili parte*. The Bishops gave an

authentic interpretation of this Decree for Ireland, and ruled that the former class of candles should contain 65 per cent., and the latter 25 per cent., of pure bees' wax. Now the candle mentioned by our correspondent belongs to the latter category, and should therefore contain 25 per cent. of pure wax. It does not seem to be a sufficient reason that, because paraffin candles give better light than those containing wax, their use should be lawful on this account. This argument might apply to the introduction of lamps, and, moreover, could not the standard and size of the candle containing wax in composition be so increased that it will give as much light as an ordinary paraffin candle? At any rate there is no way of getting over the Episcopal legislation in the matter.

P. MORRISROE

## CORRESPONDENCE

## THE TOTAL ABSTINENCE PLEDGE

DEAR REV. SIR,—In my humble opinion the writer of the article in your last issue under the above heading altogether unduly minimizes the obligatory force of the Pledge. If I rightly interpret him, he holds that (in spite of the formula) *it is no promise, nor does it bind in conscience.*

Now, if we consider the circumstances surrounding the Pledge-taking, we shall, I think, come to the conclusion that that opinion is not quite tenable.

1. He (the would-be total abstainer) presents himself before a *Priest*; he does not go to 'the Man in the Street.'

2. He *kneels* down and *blesses* himself, 'In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.'

3. He then says: 'I *promise, with the grace of God, to abstain from all intoxicating drinks.*'

Now all this implies a solemnity and deliberation which would be strangely out of place and irreverent if the man was free to rise from his knees and resume his drinking habits. I hold, therefore, if I may, that it is a sin to break such a Pledge, but I do not hold, nor does anyone, I fancy, that it could ever amount to a mortal sin, except in certain well-defined cases, which the writer alludes to and admits.

Finally, the *Sensus Fidelium* is, I venture to think, with me in this matter.—Faithfully yours,

WALTER O'BRIEN, C.C.

## DOCUMENTS

THE 'PRIESTS' EUCHARISTIC LEAGUE' ERECTED INTO AN  
ARCHCONFRATERNITY

## SECRETARIA BREVIUM

## BREVE

QUO ASSOCIATIO 'SACERDOTALIS EUCHARISTICI FOEDERIS' IN  
PRIMARIAM ARCHIASSOCIATIONEM ERIGITUR ET PRIVILEGIIS  
COHONESTATUR

PIUS PP. X.

AD PERPETUAM REI MEMORIAM !

Romanorum Pontificum Decessorum Nostrorum vestigiis inhaerentes pias societates ad pietatis et charitatis opera exercenda institutas, peculiaribus honoribus ac privilegiis cohonestare satagimus, ut iis auctae uberiores in Dominico agro excolendo fructus nanciscantur. Harum in numerum minime Nos latet iure ac merito esse accensendam piam sacerdotum associationem, quae sub titulo *Sacerdotalis Eucharistici Foederis* in hac Alma Urbe Nostra ad S. Claudii canonice instituta existat,<sup>1</sup> ideoque dilecti filii Edmundi Tenaillon procuratoris generalis Instituti Sacerdotum SSmi Sacramenti votis ultro libenterque annuentes associationem ipsam tam frugiferam, quae hisce potissimum tam gravibus temporibus, iuxta tenorem Decreti a Congr. Sacrae Tridentinae Synodi interpretationi praeposita, die xx Decembris mensis anno superiori editi exaupiscato intendit ad Communionis frequentis et quotidianae usum inter fideles provehendum<sup>2</sup> singularibus gratiis atque indulgentiis decorandam existimavimus. Quare de Omnipotentis Dei misericordia ac

<sup>1</sup> *En decretum quo praefata sodalitas erecta fuit in Urbe :*

' Piam sacerdotum sodalitatem quae inscribitur *Lega Sacerdotale Eucharistica*, cuius finis est fideles ad quotidianum vel frequentum usum SSmae Eucharistiae inducere, iuxta mentem Decreti S. C. Conc. die 20 Decembris 1905. quod incipit *Sacra Tridentina Synodus*, Nos auctoritate Nostra ordinaria rite et legitime in venerabili ecclesia S. Claudii de Urbe penes Congr. Presbyterorum SSmi. Sacramenti erigimus et canonice erectam esse edicimus. Leges vero seu Constitutione eiusdem sodalitat, quinque articulis conscriptas, triennali experimento probandas esse declaramus.

' Datum Romae, ex Aedibus Vicariatus, die 27 Iulii 1906.'

L. ♣ S.

PETRUS RESPIGHI, *Card. Vicarius.*

FRANCISCUS CAN. FABERI, *Secretarius.*

<sup>2</sup> *Confr. Acta Pontificia*, vol. iv, pag. 57-61.

VOL. XXI.

BB. Petri et Pauli Apostolorum eius auctoritate confisi, omnibus et singulis nunc et in posterum in dictum Eucharisticum Foedus adlectis sacerdotibus, quatenus simili privilegio non gaudeant, altaris privilegii personalis indultum ter in hebdomada, servatis servandis, concedimus; nec non ut una ante auroram, atque una post meridiem hora Sacris operari, et similiter a prima ante auroram hora ad occasum solis, Sacram Synaxim diribere, atque, iniunctis de more peractis, praecipuorum fidei mysteriorum et Mariae Virginis et SS. Apostolorum festivitibus per annum singulis, plenariam indulgentiam vel defunctis applicabilem lucrari; et intra celebrationem triduanæ supplicationis, iuxta pii Foederis tabulas habendae, post peractam Communionem generalem, christiano adstanti populo, plenaria adiecta indulgentia, cum Crucifixo ac sub Crucis unico signo, servatis ritu formulae praescriptis, benedicere licite possint ac valeant. Insuper quoties iuxta fines Foederis sacerdotalis, pietatis quodvis sive charitatis opus adimpleant, de numero poenaliū dierum in forma Ecclesiae solita iisdem adlectis in ipsum Foedus, nunc et in posterum sacerdotibus trecentos expungimus. Tandem confessariis rite probatis eodem in Sacerdotali Eucharistico Foedere nunc et in posterum inscriptis, facultatem concedimus communicandi semel in hebdomada plenariam indulgentiam poenitentibus, qui quotidie vel quasi quotidie ad Sacram Synaxim accedere consueverunt. Praeterea Apostolica Nostra auctoritate praesentium vi, perpetuumque in modum, associationem memoratam suo titulo *Sacerdotalis Eucharistici Foederis* in Urbe ad S. Claudii canonice institutam in archiasociationem, sive primariam cum solitis privilegiis erigimus. Archisodalitii autem eiusdem moderatori et officialibus praesentibus et futuris, ut ipsi alias eiusdem nominis atque instituti societates in universo terrarum orbe, canonice erectas sive in posterum erigendas, servatis Clementis PP. VIII Praedecessoris Nostri r. m. aliisque Apostolicis ordinationibus desuper eitis, sibi aggregare illisque omnes et singulas indulgentias peccatorum remissiones ac poenitentiarum relaxationes ipsi archisodalitio a S. Sede concessas et aliis communicabiles, communicare licite possint ac valeant Apostolica item Nostra auctoritate praesentium vi facultatem perpetuo concedimus et largimur, Decernentes praesentes litteras firmas, validas et efficaces semper existere et fore suosque plenarios et integros effectus sortiri et obtinere, atque illis ad quos spectat et pro tempore quomodolibet spectabit in omnibus et per omnia plenissime suffragari sicque in praemissis per quoscumque iudices ordinarios et delegatos iudicari et definiri debere, atque irritum esse et inane si secus super his a quoquam quavis auctoritate scienter vel ignoranter contigerit attentari. Non obstantibus

constitutionibus et ordinationibus Apostolicis ceterisque contrariis quibuscumque.

Datum Romae apud S. Petrum, sub annulo Piscatoris die x Augusti MCMVI, Pontificatus Nostri quarto.

✠ Pro Dno Card. MACCHI.

L. ✠ S.

NICOLAUS MARINI, *Substitutus*.

**THE USE OF THE 'CAPPA MAGNA' GRANTED TO TWO  
PARISH PRIESTS OF MILAN**

**DECRETA SS. RR. CONGREGATIONUM**

**S. CONGREGATIO CONCISTORIALIS**

**MEDIOLANEN**

**CONCESSIONIS INSIGNIUM ECCLESIASTICARUM**

**DUOBUS PAROCHIS MEDIOLANENSIBUS INDULGETUR USUS  
CAPPAE MAGNAE**

Cum RR. Praepositi parochi omnium fere Basilicarum, quae in Metropolitana civitate Mediolanensi stationales vulgo appellari solent, privilegio fruuntur utendi in sacris peragendis cappa magna mustelina ver serica rubri coloris pro temporum diversitate, ceterarum Basilicarum Sancti nempe Victoris ad corpus et Sancti Simpliciani in eadem civitate, quae pariter stationales nuncupantur, Praepositi parochi RR. DD. Hermenegildus Pogliani et Clemens Alfieri, qui hactenus eo privilegio insigniti non sunt, die v Decembris hoc anno supplices ad Apostolicam Sedem dederunt litteras, quibus SSmum Dnum Nostrum Pium PP. X obsequiose exorarunt, ut sibi etiam in sacris obeundis ministeriis cappam magnam, qua Praepositi parochi omnium fere Basilicarum stationarium iam cohonestantur, Apostolica auctoritate benigne tribuere dignaretur.

Sanctitas Sua, me referente infrascripto Sacrae Congregationis consistorialibus rebus expediendis praepositae Substituto omnibus mature perpensis, attenta Basilicarum Sancti Victoris ad corpus et Sancti Simpliciani vetustate ac dignitate, attenta etiam Viri Emi Andreae S. R. E. Presbyteri Cardinalis Ferrari Mediolanensis Archiepiscopi commendatione, ad splendorem divini cultus augendum, atque ad stimulos adiiciendos Praepositis parochis Basilicarum Sancti Victoris ad corpus et Sancti Simpliciani, quo ipsi in spirituali animarum salute procuranda alacriores in dies fiant, eorum vota benigne excipere dignata est. De Apostolicae itaque potestatis plenitudine Beatitudo Sua Praepositos parochos oratores a quibusvis excommunicationis, suspen-

sionis et interdicti aliisque ecclesiasticis poenis a iure vel ab homine, quovis modo vel quavis de causa, latis, si quibus innodati existant, huius tantum rei gratia absolvens et absolutos fore censens, iisdem, eorumque in perpetuum legitimis successoribus, benigne indulgit, ut intra limites Mediolanensis Archidioecesis, ad instar aliorum parochorum qui in Metropolitana Mediolanensi civitate Basilicis stationalibus, uti aiunt, praesunt, cappa magna mustelina vel serica rubri coloris in sacris peragendis uti licite ac valide possint et valeant, salvis ritualibus dispositionibus aliisque de iure servandis, in contrarium facientibus non obstantibus quibuscumque.

Ad praemissa autem exequenda eadem Sanctitas Sua deputare dignatu est Virum Emum Andream S.R.E. Praesbyterum Cardinalem Ferrari Mediolanensem Archiepiscopum, cum facultatibus necessariis et opportunis etiam subdelegandi, ad effectum de quo agitur, quamcumque aliam personam in ecclesiastica dignitate constitutam, iussitque praesens hisce super rebus edi consistoriale decretum, perinde valiturum ac si super praemissis Apostolicae Litterae sub annulo Piscatoris expeditae fuissent, et inter Acta referri Sacrae huius Congregationis Consistorialis.

Datum Romae hac die XXVIII Decembris anno Dni MCMV.

Pro R. P. D. Secretario.

JULIUS GRAZIOLI,

S. C. Consistorialis et S. Collegii, *Substitutus*.

#### DISPENSATION FROM IRREGULARITIES

##### S. CONGREGATIO CONCILII

DUBIA PROPOSITA ATQUE IUXTA MOREM EIUSDEM S. C. DE IURE  
RESOLUTA IN GENERALIBUS COMITIIS DIEI 24 NOVEMBRIS  
1906

*Per summaria precum.*

##### BISINIANEN.—DISPENSATIONIS AB IRREGULARITATE

Clericus Marianus Rose iam subdiaconus expostulat ut promoveatur ad superiores ordines, sed obstat, post acceptum subdiaconatum compertum esse ipsum aliquando comitiali morbo obnoxium fuisse.

Quare Episcopus initio elapsi anni 1905 in vota clerici Rose concedens, supplicem obtulit libellum pro sanatione quoad iam collatos ordines et prodis pensatione ad huiusmodi defectu in futurum.

Rogatus Episcopus ut clarius edoceret de natura et gravitate dicti morbi, insimul transmissa peritia medica, ipse litteris Martii successivi exhibuit tum iuratam depositionem parentum eiusdem

clerici, tum testimonium Rectoris Seminarii Bisinianensis. Medicus testimonium non reliquit, cum nunquam adfuerit accessibus.

Hisce habitis, sub die 16 Martii dicti anni eidem Episcopo rescripsit H. S. C., ut clericus Rose per aliquot tempus poneretur sub directione et vigilantia docti et prudentis medici, cuius votum et relationem deinde remitteret. Haec iussa Episcopus adimplens sub die 16 elapsi Maii retulit, praefatum clericum a mense Ianuario an. 1905 usque ad hunc diem nunquam morbo fuisse correptum, iuxta votum et relationem duorum medicorum; quare enixe rogabat pro obtinendo favorabili indulto.

Morbo caduco laborantes a ministerio altaris arcendos esse tradunt doctores, praesertim vero, utpote in casu non resultat, iuxta medicam relationem, in futurum remotum et vitatum esse periculum relapsus in morbum.

Et res magis ingravescit si advertatur, eiusmodi esse naturam morbi ut convulsiones et accessus epileptici non determinatis temporibus, sed etiam post non indifferens temporis spatium iterari possint; qui accessus ex Rectoris testimoniis cum sint gravissimi, maximum inducunt periculum irreverentiae in sacrorum administratione.

Nec demum in casu suffragantur specialia adiuncta, quales profecto essent magna utilitas vel necessitas pro dioecesi ob cleri defectum, vel extraordinariae dotes oratoris, utpote ingenii, vitae spectatae, etc., cum clerus in meridionali Italiae regionibus potius abundat, et dictae extraordinariae qualitates ex Episcopi litteris non resultent.

Aliae tamen ex adverso adsunt rationes quae invocari possunt favore oratoris. Iam vero oratorem convaluisse testes sunt nedum ipsius parentes, sed etiam duo periti physici ab Episcopo deputati, qui referunt eundem nunc versari in florenti sanitatis statu et liberum esse a morbis infectivis.

Quae declarationes profecto videntur per se esse sufficientes ad moralem certitudinem gignendam dictum morbum in posterum non renovari.

Insuper agitur in casu de clerico qui iam ad subdiaconatus ordinem promotus est, et hisce in casibus Ecclesiae indulgentia benignior esse solet, nec magni facienda est difficultas de carentia qualitatum specialium in oratore; cum enim ipse non semel fuerit ab Episcopo pro gratia commendatus, rationabiliter asseri potest eius ordinationem iudicio sui Episcopi in dioecesis bonum vertere.

Quare hisce omnibus mature perpensis, Emi Patres porrectis precibus respondere censuerunt.

*'Arbitrio et prudentiae Episcopi ad Diaconatum tantum facto verbo cum SSmo.'*

## THE PROMOTOR 'FISCALIS' IN SUMMARY TRIALS

SANTANDERIEN.—DE PROMOTORE FISCALI IN IUDICIIS  
SUMMARIIS

Quaestio inter parochum eiusque coadiutorem in dioecesi Santanderiensi enata est anno 1903 circa quaedam emolumenta, et summarie agitata fuit in ipsa Curia absque citatione et interventu promotoris fiscalis; quae Curia sententiam tulit favorabilem coadiutori. Eiusmodi sententia confirmata fuit, iudicio appellationis instaurato, a Curia Metropolitana Burgensi et a Supremo Tribunali Rotae Maritimiensi primum. Sed hic supremus consensus, iterum recepta appellatione die 30 Martii 1905 declaravit omnia acta iudicialia peracta in Curia Santanderiensi nullius esse valoris, quia promota absque citatione et interventu procuratoris fiscalis.

Re ad H. S. C. delata, haec sub die 22 Iulii eiusdem anni rescripsit: 'Non esse casum appellationis ad S. Sedem a sententia secundi gradus Rotae Maritimiensis pro tam parvi momenti negotio.'

Verum Episcopus Santanderiensis ad praecavendas in futurum quaestiones huiusmodi et ad habendam certam normam circa necessitatem vel non interventus procuratoris fiscalis in iudiciis summariis, quando lis agitari contingat inter parochum eiusque coadiutorem relate ad huiusmodi iura stolae levioris momenti, prouti in casu, sequens H. S. C. dubium pro opportuna solutione proposuit, nempe:

'An sit necessaria praesenti promotoris fiscalis in iudicio summario, quando parochus per seipsum defendat vel vindicet proventus ex iuribus stolae, quos, dum essent controversi, idem parochus applicuerit fabricae ecclesiae parochialis.'

Praeclarus advocatus qui partes agit Curiae Santanderiensis ex triplice capite excludendam esse contendit necessitatem interventus promotoris fiscalis in dicto iudicio summario, nempe: 1<sup>o</sup> ex natura ipsius iudicii summaria; 2<sup>o</sup> ex natura officii ipsius procuratoris seu promotoris fiscalis; 3<sup>o</sup> ex natura ipsa officii parochialis, cum parochus sit administrator et defensor natus fabricae suae ecclesiae.

Ad primum itaque caput accedens expendit ipsius iudicii naturam, quod duplicis speciei communiter recensetur iuxta ritum et formam in eo servatam; aliud nempe est ordinarium et plenum, in quo servantur omnes solemnitates sive a iure positivo inductae sive a naturali; et aliud extraordinarium seu summarium vel oeconomicum, in quo tantum ea locum habent quae a iure naturali exiguntur, ceteris omissis iuris positivi solemnitatibus.

Hisce praemissis circa iudicii summarii conceptum iuridicum, advocatus deducit in eodem iudicio requiri : 1<sup>o</sup> ut adsint actor, reus et iudex ; 2<sup>o</sup> aliquam petitionem, loco libelli, partium citationem, probationem et defensionem ac definitivam sententiam, quibus profecto opus est ut verum habeatur iudicium.

In proposita quaestione vero, ait advocatus, nulla se prodit necessitas citationis et interventus procuratoris fiscalis, cum Ecclesiae fabrica a paroco sit legitime repraesentata, et proinde ab ipso convenienter defendi possit. Ergo concludit, ipsa natura iudicii summarii considerata, interventus in eo promotoris fiscalis non est necessaria.

Ad secundam orationis partem accedens, probat patronus, institutum promotoris fiscalis a iure positivo derivatum esse primo ex eius origine, cum plures doctores retineant hoc officium, iure romano incognitum praesertim in causis criminalibus, primum exortum fuisse a procuratoribus regiis in Gallia. Deducit hoc insuper ex praxi in multis curiis ecclesiasticis vigenti, in quibus tantum habetur promotor fiscalis criminalis, quod respondet instructioni S. C. Episc. et Regul. diei 11 Iunii 1880.

Quin imo quamvis procuratoris fiscalis interventus in omnibus iudiciis criminalibus sub nullitatis poena requiratur, tamen abstrahendo ab hac iuris positivi dispositione, uti tradit Bouix *de Iudiciis Ecclesiasticis*, vol. 1, pag. 475 absolute aliquod criminale iudicium expediri potest sine eiusdem interventu.

Ex elucubratibus circa indolem officii promotoris fiscalis, cum ea ex iure humano sit repetenda, infert interventum procuratoris fiscalis in iudiciis computari non posse inter solemnitates a iure naturali praescriptas, et proinde eius citatio et auditio in iudiciis summariis, in quibus proceditur de plano tantum facti veritate inspecta, non est necessaria. Dato etiam autem et non concesso quod eius praesentia requiratur, procuratoris designatio et deputatio fieri deberet vel a Vicario Generali vel ab Episcopo sub poena nullitatis, cum fiscalis promotor sit species procuratoris, seu ut quilibet alius mandatarius. Sed cum in iure admittatur etiam tacita procuratoris deputatio, huiusmodi deputatio in casu dici posset ab Episcopo collata in parochum, qui est naturalis fabricae ecclesiae parocialis administrator.

Demum necessitatem interventus fiscalis in summario iudicio, de quo agitur, sub poena nullitatis, excludendam putat advocatus, tum quia ea neque in omnibus criminalibus causis admittitur, tum quia ea ad summum est coartata tantum ad iudicia poenalia ecclesiastica ; neque haec praescriptio extendi potest ad ecclesiastica iudicia civilia, quia dispositiones in materia poenali stricte interpretandae sunt.

In tertio tandem capite necessitatem interventus promotoris

fiscalis impugnat advocatus ex ipsa natura officii paroecialis, cuius est tueri et administrare bona temporalia ipsius fabricae ecclesiae, et ex historica origine fabriceriae paroecialis colligit proprium et verum eiusdem fabricae defensorem ipsum esse parochum, cui proinde auctores recognoscunt personam iuridicam standi in iudicio, quod in casu roboratur ex ipsa lege dioecesana Santanderiensi.

Cum itaque, concludit, parochus sit legitimus administrator et defensor suae Ecclesiae seu fabricae paroecialis, et laici in consilio fabricae adsint uti puri adiutores, proindeque parochus competat iura fabricae in iudicio ordinario experiri, tum ex communi, tum ex speciali lege, sponte sua fluit, eut id ei multo magis liceat in iudicio summario, et hinc necessitas interventus procuratoris fiscalis in eodem iudicio omnino reiicienda est.

Altera vero ex parte advertitur in omnibus iudiciis ecclesiasticis civilibus negari non posse necessitatem interventus procuratoris fiscalis, in quibus agatur de interesse temporali ecclesiae seu de administratione bonorum ipsius, cum ipse sit natus defensor bonorum ecclesiae et a lege sit constitutus ipsorum vigil in tota dioecesi. Quare, cum ipse speciale habeat interesse in huiusmodi causis, semper citandus et audiendus est sub poena nullitatis, sive iudicium evolvatur ritu solemnem, sive ritu summario, cum de naturali solemnitate sit, ut semper audientur interesse habentes.

In casu autem videtur concurrere specialis ratio pro interventu procuratoris fiscalis in huiusmodi iudiciis quantumvis summaris. Scitum enim est iuxta dispositionem Conc. Trid. sess. 22 *de ref.* fabricae ecclesiae administratores singulis annis teneri rationem reddere suae administrationis Episcopo vel loci ordinario. Unde bona ab ipsis administrata sunt sub speciali Episcopi vigilantia, cuius partes repraesentat fiscus seu promotor fiscalis. Hinc si parochus utpote unus ex praecipuis fabricae administratoribus iura eiusdem fabricae de licentia Ordinarii vindicare valet in iudicio, ex hoc non sequitur in eo esse excludendum praecipuum tutorem et custodem, nempe promotorem fiscalem. Neque ultimo loco omittendum procuratoris fiscalis concursu in iudiciis omnem praeccludi viam parochorum negligentiae in iuribus fabricae defendendis; ad hanc enim impediendam Conc. Trid. l. c. praescripsit administratoribus fabricarum annualem redditionem rationum. Quare his aliisque rationibus interventus promotoris fiscalis in causa et consequenter eius citatio et auditio, videntur esse maxime necessaria.

Tamen Emi. Patres responderunt :

*'Ad dubium propositum ab Episcopo, Negative.'*

## MATRIMONIAL DISPENSATIONS

## I.—PARISIEN.—NULLITATIS MATRIMONII

R. '*Non proposita.*'

## II.—VENTIMILIEN.—DISPENSATIONIS MATRIMONII

Haec causa matrimonii inter Dominium Panizzi et Catharinam Tamagno die 10 Decembris 1903 in paroeciali S. Ioseph Ecclesia loci Sanremo initi, proposita iam fuit in generalibus comitiis H. S. C. diei 29 Iulii 1905.<sup>1</sup>

Ferunt uxorem, vix celebrato coniugio, eodem die aufugisse quin amplius maritus eam reperire potuerit, unde matrimonium inconsummatum mansisse videtur. Ipsa mulier declaravit se virum reliquisse, tum quia nullo erga eum affectu ferebatur, tum etiam quia ipse atque eius pater post celebratum matrimonium ab ea petierunt ut pecuniam, qua eadem potiebatur, iis traderetur, adeo ut sibi persuasum fuerit huiusmodi matrimonium dictae pecuniae aviditate tantum initum fusisse. Uterque vero coniux asserit nunquam cum altero matrimonium consummasse, neque ullo modo coniugalem instaurandi vitam se paratum esse.

Quare vir, tali modo deceptus, ab Ordinario Ventimiliensi petiit ut suum matrimonium cum Catharina contractum, utpote tantum ratum, apostolica dispensatione solveretur. Ordinarius vero, nulla habita apostolica delegatione, processum instruere iussit, quare hac aliisque de causis in citatis comitiis preces dimissae fuerunt responso: '*fiat novus processus iuxta instructionem dandam a defensore matrimonii ex officio.*'

Tamen novo peracto in Curia processu, iterum quaestio diiudicanda proposita fuit in comitiis plenariis diei 24 Novembris mox elapsi, et Emi Patres ad dubium:

*'An sit consilium praestandum SSmo pro dispensatione super matrimonio rato et non consummato in casu.'*

Respondere censuerunt: '*Affirmative.*'

## III.—PARISIEN.—DISPENSATIONIS MATRIMONII (SUB SECRETO)

R. '*Affirmative ad cautelam.*'

## IV.—PISCIEN.—DISPENSATIONIS MATRIMONII

In ecclesia Pontis Bovianensis dioeceseos Piscien. die 26 Novembris 1904 Orestes Cortesi ac Maria Perondi matrimonium inierunt.

Maria vero, quae iam antea cum quodam Augustino Scardigli illicitum foverat amorem, ab eoque prolem susceperat, cum

<sup>1</sup> Cf. *Acta Pontificia*, vol. iii., p. 148.

frustra pertentasset ut iste se ipsam in uxorem duceret suo quodammodo honori consulendi causa, nonnisi aegre ad matrimonium contrahendum cum eodem Oreste inducta fuisse videtur.

Hoc tamen coniugio inito, coniuges, comitantibus parentibus, sponsae domum petierunt, ibique coena, aliis adstantibus convivio, peracta est. Nunquam autem simul in eodem loco convenisse, nec sub eodem tecto cohabitasse videntur; imo sequentis diei mane, ut testes referunt, sponsa, quin matrimonium, uti narrant, cum legitimo sponso consummaverit, fugam arripuit, atque apud Augustinum Scardigli sese contulit cum quo in posterum civili, uti vocant, matrimonio inito, communem instituit vitam.

Exinde Maria, ut suae conscientiae consulere, Ordinarium adiit, petiitque ut suum matrimonium cum Oreste contractum, utpote non consummatum, apostolica dispensatione solveretur.

Idem Episcopus, nulla habita apostolica delegatione processum instituit, actaque, eodem expleto, ad H. S. C. transmisit, sedulo oratricis petitionem pro dispensationis gratia obtinenda commendans.

Re in elapsis comitiis H. S. C. agitata sub rogandi formula:

*'An sit praestandum SSmo. consilium pro dispensatione a matrimonio rato et non consummato in casu.'*

Emi. Patres responderunt:

*'Affirmative, praevia sanatione super defectu delegationis et monitis Curiae ministris, ne huiusmodi processus instruant absque S. Sedis delegatione et non servatis canonicis normis.'*

V.—ARETINA.—IURISPATRONATUS (RESERVATA)

R. *'Affirmative favore Castigli, et ad mentem.'*

VI.—ROMANA.—DEVOLUTIONIS LEGATI (RESERVATA)

R. *'Ad primum negative; ad secundum affirmative iuxta votum Emi Titularis, facto verbo cum SSmo.'*

VII.—NOLANA.—CONCURSUS (RESERVATA)

R. *'Sententiam Curiae Neapolitanae esse infirmendam.'*

#### DECREE OF SACRED CONGREGATION OF THE INDEX

##### SACRA INDICIS CONGREGATIO

##### DECRETUM

*Feria iii. die II Decembris 1906.*

Sacra Congregatio Eminentissimorum ac Reverendissimorum Sanctae Romanae Ecclesiae Cardinalium a Sanctissimo Domino Nostro Pio Papa X Sanctaque Sede Apostolica Indici

librorum pravae doctrinae, eorumdemque proscriptioni, expurgationi ac permissioni in universa christiana republica propositorum et delegatorum, habita in Palatio Apostolico Vaticana die 11 Decembris 1906, damnavit et damnat, proscripsit proscribitque, atque, in Indicem librorum prohibitorum referri mandavit et mandat quae sequuntur opera :

L'Abbé E. Lefranc, *Les Conflits de la Science et de la Bible*. Paris, 1906.

Segismundo Pey-Odeix, *El Jesuitismo y sus Abusos*. Colección de artículos. Barcelona, s. a.

Idem, *Crisis de la Compañía de Jesús, hecha por personas eminentes en santidad y letras*. Ibid.

Albert Houtin, *La Question Biblique au XX<sup>e</sup> siècle*. Paris, 1906.

L. Laberthonnière, Decreto S. Congregationis, edito die 5 Aprilis 1906, quo liber ab eo conscriptus notatus et in Indicem librorum prohibitorum insertus est, laudabiliter se subiecit.

Itaque nemo cuiuscumque gradus et conditionis praedicta opera damnata atque proscripta, quocumque loco et quocumque idiomate, aut in posterum edere, aut edita legere vel retinere audeat sub poenis in Indice librorum vetitorum indictis.

Quibus Sanctissimo Domino Nostro Pio Papae X per me infrascriptum Secretarium relatis, Sanctitas Sua decretum probavit, et promulgari praecepit. In quorum fidem etc.;

Datum Romae die 12 Decembris 1906.

ANDREAS Card. STEINHUBER, *Praefectus*.

Loco ✕ Sigilli.

FR. THOMAS ESSER, *Ord. Praed., a Secretis*.

Die 14 Decembris 1906 ego infrascriptus Mag. Cursorum testor supradictum decretum affixum et publicatum fuisse in Urbe.

HENRICUS BENAGLIA, *Mag. Curs.*

## NOTICES OF BOOKS

**A PRIVILEGED SOUL ; or, Mother Mary of Good Counsel, Franciscan Missionary of Mary.** By the Authors of the Franciscan Library. Fourth Edition. Translated from the French by Canon White.

THIS nicely brought-out volume of 239 pages relates with pleasing simplicity and easy naturalness the life of the above-named truly privileged soul, who, in many respects, especially in her high call to grace, reminds us of St. Aloysius. We can recommend it in particular to convents and to pious people as a charming little book for spiritual reading. If, however, the ordinary reader should be unable to fully appreciate all the delicate refinements of a piety that was truly remarkable, he will, nevertheless, find himself deeply interested in learning something about the Franciscan Missionaries of Mary, an Order which has sprung up in our own day, whose record so far has been no less than marvellous. Words can never compare in either force or eloquence with facts where these latter are forthcoming ; and hence, in the present case, the facts will be let speak for themselves. Just thirty years ago, in 1877, the first institute was founded by Hélène de Chappotin, who died only two years since. Within that brief period her spiritual daughters have gone to the utmost bounds of the earth, as the following record will prove : Fourteen houses in China (where seven of the Sisters were martyred in 1900), fourteen in Japan, five in the North of Africa, four in Congo, a leper hospital in Madagascar, a mission in Zululand, two leper hospitals in India, a mission in Chili, five in the United States, and three in Canada, including one at the famous shrine of St. Anne de Beaupré near Quebec. There is also a mission in the poorest section of London, and the Franciscan Sisters there were the first to respond, some weeks ago, to an appeal for aid in spreading the faith in Japan. And last, but by no means least, there is a house in Ireland, at Loughglynn, Co. Roscommon, which has been founded from Belgium. There are ninety houses in all—surely an extraordinary number for the brief period of thirty years. The Foundress of the Order did not determine the work of her nuns beyond commissioning them to assist priests in every way they could, particularly in missionary countries, and hence the different turn their work has taken according to the necessities

of the place, whether it be Loughglynn, Madagascar, Zululand, or Lexington Avenue, New York. In Loughglynn the Sisters devote themselves to instructing the children in cottage industries of all kinds, in each department of which a Sister holds a diploma from a recognized school. Only one who has seen them at work can realize how much they have done in educating the children and in brightening the homes of the poor, where they are frequent visitors, to see that the children carry out the instructions given them in the school. And, above all, their manner has won the hearts of the people. In a word, the extent to which they practise the so-called 'active' virtues would have gladdened the heart of the late Father Hecker. Nor do they neglect the 'passive' virtues; they spend long hours in choir and have the privilege in every house—even in China—of perpetual adoration.

But we must return to the book, to which, we fear, we have done but scant justice. Canon White deserves praise and congratulations for having given us a natural and smooth translation, and this is the most that can be said of any translation. It is an evidence, too, of what zeal can accomplish, notwithstanding the many demands of parochial work. And, apart from the intrinsic merit of the little volume, any effort to help along its sale would serve as an appreciation of the generous sacrifice made by the little community of Nuns who willingly left the picturesque valleys and smiling skies of Belgium, in order to better the lot of the poor in the congested district where they have settled. It is for sale at the Convent of Loughglynn and costs only the nominal sum of one shilling.

P. A. B.

POEMS. By John Bannister Tabb. London: Burns and Oates, 28 Orchard Street.

WE have much pleasure in introducing to the readers of the I. E. RECORD a choice selection of poems by John B. Tabb, a poet-priest of America. To readers on this side of the Atlantic the name is probably as unfamiliar as it is strange; but to Americans, especially on the Eastern seaboard, the name of Tabb is associated with highly-polished, pointed, inspired stanzas, often quatrains, which, like arrows delivered with gentle but unerring finger-tip, go straight to the mind and have a habit of remaining there. They are sometimes so simple that you begin to wonder why no one thought of putting the familiar idea in that way before. They are as a rule very brief poems, many of them being lyrics. They can, perhaps, be best described

as gems, not too elaborately but sufficiently and tastefully enchased. Let the reader himself judge from a few examples.

#### WAYFARERS.

O comrade sun, that day by day  
Dost weave a shadow on my way,  
Lest, in the luxury of light,  
My soul forget the neighbouring night :  
Wilt thou whene'er, my journey done,  
Thou wanderest our path upon,  
Bear in thy beams a memory  
Of one who walked the world with thee,  
Or mourn, amid the lavishness  
Of Life, one hovering shade the less ?

Bossuet we think it was who said that he shrank from depicting a mother's grief ; Father Tabb gives proof in the following that he can touch into vibration the tenderest chord in a mother's heart.

#### MISSING.

Thou that didst leave the ninety and the nine  
To seek the one,  
Behold, among the many that are mine,  
A lamb is gone.  
  
The one perchance the worthiest to be,  
Dear Lord, with Thee ;  
And so the saddest for the mother's heart  
With him to part.  
  
O Thou, Thyself a mourning Mother's Son,  
Fold close my little one !

Like Wordsworth, he sees beauty in widest commonalty spread and sometimes reminds us of that poet, as for instance in the poem entitled 'My Captive.' He interprets too the feeling of an aged priest who has done his work faithfully.

#### THE OLD PASTOR.

How long, O Lord, to wait  
Beside this open gate ?  
My sheep with many a lamb  
Have entered, and I am  
Alone, and it is late.

Just one quotation more—' Anonymous,' in which he sums up the argument from design.

Anonymous—nor needs a name  
To tell the secret whence the flame,  
With light, and warmth, and incense, came  
A new creation to proclaim.

So was it when, His labour done,  
God saw His work, and smiled thereon ;  
His glory in the picture shone,  
But name upon the canvas, none.

There are in all a hundred and forty-seven poems of which those given above are fair examples. The booklet is not only neatly but artistically brought out, and is just such as one, in intervals between work, would like to dip into from time to time.

P. A. B.

DANIEL O'CONNELL: HIS EARLY LIFE AND JOURNAL, 1795 TO 1802. By Arthur Houston, K.C., LL.D. London: Sir Isaac Pitman & Sons, Ltd., 1, Amen Corner. 1906.

THIS is one of the most valuable and illuminating volumes about O'Connell that has ever been published. In it the *Liberator's Journal* is first published in its entirety. Fragments of the *Journal* had already appeared in the *Irish Monthly*, but all admirers of O'Connell and all students of Irish history are deeply indebted to Mr. Houston for giving it to them in a volume in every way worthy of it. The *Journal* gives amongst other things full information as to the works which O'Connell studied between the ages of twenty-one and twenty-seven, the most impressionable period of a man's life, and lets us into the secret of the objects O'Connell set before him at that early age, and of the methods by which he proposed to attain them, and the principles by which he determined to regulate his conduct.

Prefixed to the *Journal* is a memoir of O'Connell's early life, which is drawn from sources already available, but Mr. Houston's work is the most complete account now in existence of the life of the *Liberator*, up to the end of his twenty-seventh year.

The work is splendidly brought out, with fine portraits of O'Connell himself, and of his mother, Mrs. Morgan O'Connell.

F. J. H.

GRAMMATIK DES JUDISCH-PALASTINAISCHEN ARAMAISCH.  
G. Dalman. 2nd Ed. Leipzig: J. C. Hinrich. Price 12s.

THIS learned work will be welcome to all those desirous of reading the Targums, Talmud, etc., in the original. A glance at it shows that its profitable use presupposes a thorough knowledge of Hebrew, Syriac, and Arabic. Many parts of it deal with questions arising in the comparative philology of Semitic languages. The scope and purpose of the work demands such a treatment, for the author aims at nothing less than at co-ordinating on a scientific basis the knowledge of nominal and verbal forms, etc., gained from his own extensive reading. He does not enter into questions of syntax. The work contains an etymological glossary, every word of which is analysed. Indeed it is almost a lexicon, though not in the sense of Fischer's or Jastrow's. Parts of it may be compared with the excellent glossary contained in Mrs. Gibson's *Palestinian Syriac Lectionary*, for reading the texts in which this grammar is so useful.

The explanation which Professor Dalman gives of Aramaic words occurring in the New Testament, as well as of several of its Greek words will be found invaluable. It comes from one of the greatest authorities that ever lived. He has made this subject his own. All the erudition he displays on these words (the index of which alone fills five pages) is only what was to be expected from the author of the standard work, *Die Worte Jesu*.

R. W.

GUIDE DE BLESER-ROGER A ROME. Sixieme Edition.  
Louvain: Fonteyn. 1906. Price 10s.

PERHAPS few of those who buy guide-books to Rome, written in English by Protestants, are aware of the existence of this admirable one which would satisfy all their desires. In addition to the indispensable information about hotels, trams, etc., it contains what guides provided for the mere tourist lack, viz., a scholarly sketch of Roman history, pagan and Christian, chronological list of Popes, biographical accounts of many among them as well as of saints and personages connected with Rome, etc. This work is intended for the educated, for the lover of antiquity and art, for the Catholic desirous of knowing the treasures of Rome. It is written with an interest in all these things, which is conspicuously wanting to the authors of certain handbooks.

For convenience sake the present work is divided into a larger volume (525 pages), 'Partie Descriptive,' which besides giving enough of history tells about the pagan monuments of the three periods (kingly, republican, imperial), and then explains the beauties and the hallowed associations of the Basilicas and minor churches. For all this the author has had the invaluable help of De Rossi's scholar, Professor Marucchi, who is as much at home on the platform of the Aedes Caesaris or on the Palatine as he is in the Catacombs or in St. Peter's. The companion volume (166 pages) entitled 'Patrie Pratique,' contains no fewer than seventy-eight annotated plans, e.g., of St. Peter's, the Vatican, the Forum, St. Paul's, St. Mary Major's, etc. : in a word of all that a refined person takes an interest in, and that a Catholic feels veneration for. All those who have ever been in Rome will be glad to have this work by them in order to refresh their memories and to enable them to revist in spirit each favourite spot : while to those preparing to come to Rome, and reading with that end in view, no better book can be recommended.

M. S.

#### LES IDÉES DE M. LOISY SUR LE QUATRIÈME ÉVANGILE.

Par Constantin Chauvin, chanoine honoraire, Supérieur du Petit Séminaire de Mayenne, Membre de la Commission Pontificale des Études bibliques. Paris : Gabriel Beauchesne et Cie, Rue de Rennes 117. 1906.

WE have much reason to be grateful to M. Chauvin for this contribution to the study of the Fourth Gospel. He writes not for the specialist nor for the very painstaking student merely, but for the educated public as well. His method is simple and his statements are direct and quite to the point. The aim of M. Chauvin's work is to discuss simply and without presupposing any very elaborate 'apparatus' M. Loisy's attitude towards the Fourth Gospel as indicated in *Autour d'un petit livre*, and *Le Quatrième Évangile*. We cannot give more than a very sketchy outline of the general movement of M. Chauvin's argument.

The first question that arises is naturally that of the authorship of the Fourth Gospel. M. Loisy maintains that this question is of very secondary importance, and it cannot be answered except on the basis of internal criticism of the text. The traditional evidence is worthless. The chain (John-Polycarp-Irenaeus) on which traditional critics depend, is a broken one. Irenaeus tells us nothing definite : he is simply the

echo of uncritical tradition. And even though Irenaeus may have heard Polycarp, there is no proof that the latter knew the Fourth Gospel or ever quoted it. Nor is Papias a witness. Irenaeus, indeed, says that Papias was *Ἰωάννου ἀκουστής*—but he means John the Presbyter. Besides, Papias says nothing about the Fourth Gospel nor about Johannine authorship.

M. Chauvin points out that Irenaeus does give perfectly definite information. He states definitely (*Cont. haeres.* iii. 1) that the author of the Fourth Gospel was (a) an Apostle; (b) the Apostle whom Jesus loved; (c) the Apostle who lived at Ephesus after the Resurrection. His words are not the mere echo of uncritical tradition. He must have been well-informed on the question. He had lived for a considerable period in pro-consular Asia, and when he came to Lyons we know that he still kept up his connexion with the Oriental churches. Irenaeus tells us that he often heard Polycarp speak of the intimate relations in which he had stood with 'John and the others who had seen the Lord.' 'And,' adds Irenaeus, 'not merely was Polycarp taught by the Apostles, and not merely did he live with those who had seen the Lord, but he was set up by the Apostles themselves as Bishop over Asia in the Church of Smyrna.' That Polycarp does not speak of the Gospel is but a further proof of its authenticity. He must have noticed it and criticised it had he not been aware of its apostolic origin. Polycarp was martyred in 155 A.D., at the age of 86. He must have been born then about 69 A.D. John the Apostle lived at Ephesus not far from Smyrna up to 100. Irenaeus was born before 125, or, at latest, before 135 A.D. (according to Harnack) Thus, *a priori*, too, John-Polycarp-Irenaeus hold well together. With regard to Papias, M. Chauvin points out that Papias knew the First Johannine Epistle at least, and that Epistle presupposes the Fourth Gospel. It is a striking fact, too, that among the few scattered fragments of Papias which have come down to us there is one in Irenaeus which reads just like a quotation of John xiv. 2. Striking, too, is the fact that the arrangement of the list of Presbyters given in the well-known Papias fragment in Eusebius can be satisfactorily explained only by reference to the Fourth Gospel. The Apostles mentioned in the list, too, except Peter, James, and John, play no part in the Synoptic narrative.

To escape from the uncertainties of obscurely expressed tradition M. Loisy has recourse to internal criticism: Now, the close study of the Fourth Gospel shows that it could not have come from an apostolic hand. It is a treatise on the theology of the Incarnation, or a system of mystical theology rather than plain history. It is a sort of transcendent exposition of the

content of the Synoptic Gospels. It is a system of symbolical interpretation of Christ's life—a series of meditations on the mystery of salvation. It must, therefore, be assigned to a writer of the third or fourth Christian generation. The 'well-beloved disciple,' who is set out as the author, is but a type or symbol, the symbol of the spiritual witness of Christ's life, and with this 'spiritual witness' the author identifies himself. This tendency to idealize, to set up the symbol for the fact, we see again in Mary. She is but typical, not individual. There is the same selection of the meaning-full and bringing out of its symbolism in the account of the Last Supper and in the narrative of the farewells spoken during the death scene on Calvary. Everywhere in the Fourth Gospel M. Loisy finds the theological imagination at work, substituting its pictures and its symbolism for matter-of-fact reality.

But all this is, as M. Chauvin shows, directly opposed to the letter and the spirit of the Fourth Gospel. The theory of the 'spiritual witness' is not clear; besides, it is quite *a priori*. Mary is not a mere symbol. She comes into two of the most vivid scenes of the Fourth Gospel—the scene at the marriage feast of Cana and the Crucifixion scene—both scenes where details are so many as almost to crush each other out. In the life and vividness and swift movement at Cana and Calvary there is no room for the substanceless stalking spectre of a mere symbol. The same is true of the Last Supper. Symbolism may be there and theology—but it is the symbolism which is inevitable in all that Christ does and says, and it is theology in the making. In a word, on this theory of Loisy one must read the Fourth Gospel backwards.

Loisy finds that the unknown writer of the third or fourth Christian generation who put together the Fourth Gospel must have been a Jewish Christian, educated in the school of Alexandrian philosophy. So much is this writer imbued with the spirit of that philosophy that he has no concern for history. For him the life of Christ is but the interweaving of allegories and symbols. He gives no sign of having seen or heard what he narrates.

It is true, says M. Chauvin, the author was a Jewish Christian. That is clear from the Semitic cast of his style. The language, too, is in part that of the school of Alexandria—but not more so than the necessities of John's readers required. But seek how you will, you will find nothing in common between the abstract, vague, meaningless Logos of Philo and the concrete-content, full living Logos of the Fourth Gospel. The minuteness of the descriptions which critics like Renan have called attention

to, the tender carefulness which seeks to fill in every possible detail in the pictures of Jesus' life—all this in the Fourth Gospel points to the eyewitness and the loving disciple.

M. Loisy is at pains to mark off the Christ of St. John from the Christ of the Synoptics. With the former Christ is quite superhuman, overturning all men's calculations by the stupendous greatness of His works and words. His hearers are mystified as to His meaning in St. John. But in the Synoptics Christ does all in simple human fashion and is understood by all.

But M. Loisy has apparently not noticed that in Matthew and Luke, too, the multitudes are in amazement at the works of Christ. The Synoptics tell us even that the wonder of the people was so great that it passed into fear. The hearers of Christ in St. John are not the simple Galilean peasantry as in the Synoptics, but the learned and critical Jews of Jerusalem. Hence the difference of style in St. John. Nor is it true that Christ goes about uncomprehended in St. John's view. Nicodemus understood Him. The people of Samaria believe on the strength of his words. Others in the Fourth Gospel understood Him too. The Gospel of St. John is really the Gospel of the human and loving Christ. No other Gospel brings out so clearly the love and care of Jesus for His friends. In no other is He so simply human. He goes to feasts. He eats, and drinks, and weeps; is worn out and rests. He is filled with uneasiness in face of death and suffering and treachery.

M. Chauvin then takes up one by one the reasons which have led M. Loisy to his allegorizing interpretation of the Fourth Gospel. He finds them all insufficient. The objective unprejudiced study of the text proves that though St. John has kept a dogmatic end in view—'ut credatis quia Jesus est Christus Filius Dei'—yet the historicity and objectivity of the Fourth Gospel are beyond suspicion. Geography, chronology—everything is too exact and detailed to admit of any *a priori* construction like that of M. Loisy. And as compared with the Synoptics John writes not less accurate and valuable history. All this M. Chauvin shows simply and convincingly from a study of the passages which M. Loisy has selected to base his theory upon.

It is a pleasure to have the opportunity of recommending to the general reader a work so genuinely scholarly and objective as this of M. Chauvin.

P. B.

EINLEITUNG IN DAS N. TESTAMENT. T. Zahn. 3rd Ed., improved and enlarged. Leipzig: Böhme. Vol. I., 9s. 6d.; Vol. II., 13s. 6d.

OF non-Catholic Introductions to the New Testament this is by far the best. It is distinguished by its respect for the testimony of early writers, and both the erudition and the accuracy which it displays on every page are deserving of the highest commendation. For advanced students, or for professors in our universities, there could be no more useful work, if they know how to use it. The learning for which at the present day Germany is renowned can all be had in the pages of Zahn's *Einleitung*, presented in clear and concise form, and free from the foolish theories and the rationalism which disfigure the books of so many of his countrymen.

The work before us now deals almost exclusively with questions appertaining to Special Introduction. Of its eleven long chapters only the first and the last treat of general matters: one of the language in which the Gospel was first preached, and of the knowledge of Greek possessed at the time by the Palestinian Jews, the other of the chronology of the Apostolic age, and in particular of that of the several books of the New Testament. Zahn's remarks on the native languages of Palestine, which he with good reason calls Syriac, are most interesting and suggestive. Nowhere will the student find a better explanation of the numerous Syriac or Aramaic words and names which occur in the New Testament. See, for instance, vol. i. p. 10, on Cephas, and compare the remark in vol. ii. p. 288: 'Das spätere Bekenntniss wird in volleren Tönen wiedergegeben und wird durch Jesus feierlich anerkannt, auf Gottes Offenbarung zurückgeführt und durch eine grosse Verheissung belohnt,' the truthfulness of which marks an advance on the views of several non-Catholic writers even in recent times. But what Zahn says about the doctrine of the Logos in St. John's Gospel is unsatisfactory, and fails to answer the arguments of the great Catholic scholar, Belser (*Einleitung*, 1st ed., pp. 354, 400, 601, in reference to Heb. iv. 12; xi. 3, etc.) The Logos of St. John is, moreover, derived not from the Philo, but from where Philo got it, from passages in the Old Testament such as Isaias lv. 11, and especially Wisdom xviii. 15, 16. Blemishes such as these need not, however, surprise us, but we have reason to be thankful that they are few, and one is pointed out here in order to show our readers the caution necessary in reading. Of course Zahn does not say that St. John borrowed the word from Philo, as do Holtzmann and Reville, nor does he appear to separate the Prologue from

the Gospel with Harnack. But how he can say: "Logos" könnte Jesus heissen, auch wenn er nicht ewiger Weise Gott wäre' (vol. ii. p. 628) is utterly incomprehensible, for Zahn is in many other respects a conservative critic, and an able opponent of error.

In the eleven hundred odd pages of this work a mine of chronological, geographical, and philological lore is to be found. Every one of its closely printed pages repays study. His extraordinarily wide reading and his thorough knowledge of all questions connected with the question of canonicity have been turned to good account. When reading him, one feels that he is indeed a master. As students know, his work on the Canon of the New Testament is the great repertory; in its own line it is by far the most useful, and other treatises such as those by Westcott, Kaulen, Cornely, etc., are in comparison only superficial. In the Appendix to the present work he notices as a phenomenon that at present Harnack admits the author of the Third Gospel and of the Acts to be no other than St. Luke, but Harnack has changed before now and may change other views. It is worth observing that such an authority on the subject as Zahn undoubtedly is, looks forward to the solution of the Synoptic problem, if works should be discovered that will complete the chain of knowledge up to the times of the three Evangelists, and if the Gospels themselves be adequately studied. What has been done up to the present by the theorists, whom according to their systems he divides into no fewer than fourteen classes, is in his opinion eminently unsatisfactory. Taking his own book all in all, it would be hard to find one that comes so near Catholic truth in some respects, and that is so instructive in many respects, hence we may say to its author, *Talis cum sis, utinam noster esses!*

R. W.

THE PRINCIPLES OF CHRISTIANITY. By the Rev. A. B. Sharpe, M.A. ('Expository Essays in Christian Philosophy.') London: Sands & Co.; St. Louis: Herder. Price 3s. 6d. net.

OUR output of Catholic apologetical literature in English contrasts unfavourably with what is accessible in French and German. And yet the progress of the sciences, both sacred and profane, makes the need of such a literature more imperative every day. We should be inclined to welcome, therefore, any attempt that is made, even in a small way, to restate and

support the fundamentals of Christianity in terms intelligible to the modern mind. The present volume gives a brief—perhaps too brief—but clear and interesting presentation of those principles: Belief in the Existence of God; the Soul; Religion and Morals; Revelation; Faith; Free-Will; Evil; Miracles and Mysticism. Not the least that can be said in praise of the book is that it is written in an elegant and attractive style: a *desideratum* in Catholic theological and philosophical literature. There is a literary finish about it which will reconcile the non-Scholastic reader with the abundance of much-abused Scholastic Philosophy on which he may here regale himself.

The brevity of the treatment gives rise, in some places,—as in dealing with the existence of God, for example,—to an unavoidable suspicion of superficiality: only a suspicion, however, for there are no words wasted; on the contrary, *multum in parvo* is true of the whole book; and, besides, this very brevity and directness of simple statement is often a distinct gain. On the sincere, unbiassed reader, the perusal of the book ought to have a satisfying, reassuring effect. Not all individual difficulties are answered, but the reasonableness of the presentation as a whole should appeal strongly to all.

With some of the author's views, methods, and estimates of evidence we cannot fully agree: but this is of minor importance. We have a suspicion, for example, that he unduly emphasizes the rôle of those unconscious processes of reasoning (pages 6, 9, 15), to which he attributes the universal belief of mankind in God, and which, nevertheless, cannot be clearly proved to exist themselves. 'Our first proof of the existence of God is, that all men, everywhere, and at all times, believed in it, as being the natural and inevitable conclusion from what they saw and felt around them' (page 6). Is not such universal belief to be attributed *de facto* rather to the tradition which transmitted, however imperfectly, the primitive revelation, than to what men 'saw and felt around them'? Probably the author does not mean to exclude, nor is it necessary to exclude, those scattered remnants of revelation from the data on which mankind spontaneously reasoned in all ages. Again, we gather that in the author's view (page 10), the instinct of man's rational nature leads him so forcibly to assent to the existence of a Supreme Being that positive, reasoned Atheism or Agnosticism is due to mere artificial prejudice: but the mystery is how is it possible at all, if man has believed in God 'by a necessary spontaneous inference' in precisely the same way as he has believed in the 'uniformity of nature'? (page 12). The same 'unconscious or subconscious reasoning which forces

the idea of God upon our minds' (page 166) is put forward as the explanation of those moral qualities which even so-called atheists 'cannot help attaching to human acts.' But do the 'normal qualities' recognized by such people involve any 'ought' at all,—further than the very imperfect 'ought,' more æsthetical than ethical perhaps, which connotes merely what is conceived by them as becoming to their own personal dignity or to that of their neighbour? It may be doubted whether people can rest in such a lame conception of morality as that: but if they can, their ethical data will scarcely furnish the grounds for an inference, spontaneous or otherwise, to the existence of a Supreme Lawgiver.

In the matter of expression a certain amount of latitude ought to be allowed, but we notice at least one case in which greater exactness would be desirable: man has not *two natures*, 'an immaterial or spiritual nature, as well as a material and bodily one' (page 48); nor are 'universal' and 'abstract' synonymous (page 49). This section on 'universals' is too brief to be satisfactory. To form the abstract and universal ideas of 'heat' and 'cold' is not merely to 'identify the sensations received from different sources, and further consider this single sensation as an idea in itself.

So far as science goes, there is only one way of giving life to non-living matter: by having it assimilated by nutrition into the living organism. Were abiogenesis to take place it would simply prove that there are in what is commonly called non-living matter forces hitherto unsuspected, capable of evoking a vital principle in favourable circumstances; but it would by no means prove 'that the sentient or vegetative soul is a resultant from certain chemical combinations' (page 56). The living thing would still differ in *substance and nature* from non-living things; conscious sensation would still be an activity totally distinct from mechanical, physical, or chemical activities; and the substitution of the vital for the non-vital principle would be no less directly dependent on the Creator's concurrence with natural forces in the one case than in the other.

While we thus find ourselves obliged to take exception to occasional passages, or to accept them only with a reservation, we wish to emphasize what we have said above: that the book as a whole, and on the whole, is a decidedly useful, interesting and valuable contribution to Catholic apologetics.

P. C."

**DIE PSALMEN NACH DEM URTEXT.** J. K. Zenner, S.J.  
 Edited by H. Wiesmann, S.J. Münster : Aschendorf.  
 1906.

IN recent years the Psalter has been made the subject of several commentaries, for which, as e.g., Patrizi's *Cento Salmi*, and the one before us the authors translated the original text. A new impulse was given to this study by the corresponding investigations into the laws of Hebrew poetry. Is it metrical or strophical? Various efforts to discover metre in the made Psalms are classified and analysed in books known to many of our readers. It is true that several were made by men who were not commentators, but no one can say that they were not good Hebrew scholars. Ecker, a professor in the Episcopal Seminary of Trier, in his great work on the Psalms, *Lauda Sion* (Trier, 1903), expresses his opinion about no fewer than twenty such systems. A non-Catholic, but a learned and impartial writer, W. H. Cobb, in his *Criticism of Systems of Hebrew Metre* (Clarendon Press, 1905), deals with some only of the modern metrical systems, but has a great deal to say about the still more modern strophical systems of Müller and others.

Father Zenner followed Müller, and was one of the chief supporters of the strophe theory as differing from the metre theory. Besides writing magazine articles he gave definite expression to his views in a well known work, *Chorgesänge* (1896). Briefly stated, in a Hebrew poem there are or may be strophe, and anti-strophe or responsion; many of the poems were composed for choral use, and their artistic structure would be shown by one part of the singers taking the first strophe, the other part taking the second, and sometimes both joining in a third. Father Zenner attached great importance to what he, with many others, considered to be the fundamental law or principle of Hebrew poetry. In the present commentary on the Psalter, a posthumous work edited by his learned confrère, Father Wiesmann, the principle is applied. Many Psalms become more intelligible, when arranged in this way, i.e., by grouping their verses into strophes, and by indicating the relation of one strophe to another. Sometimes Father Zenner finds it necessary for his system, to put aside a reading, to transpose words, or to join what, in our Bibles, appear as separate Psalms. As regards the exact sense of words or even verses, there will probably remain between commentators, as long as time lasts, difference of opinions. For instance, some think that Acts iv. 25 proves that the historical David wrote the second Psalm :

Father Zenner is of opinion that scarcely anyone will regard this as certain, for the text is not incorrupt, and 'David' may mean nothing more than 'Psalmist.' The present volume which represents only the first part of his work contains the translation and explanatory remarks on structure, lyrical nature, etc.; the second volume will presumably be devoted to syntax, historical setting, etc.

The customary order of the Psalms is not observed in this, the first part, nor apparently is any explanation given for the order which is introduced. The translation wherever examined is excellent, and will be of great help to the student. Throughout the notes attention is confined, with few exceptions, to the literal sense.

R. W.

LUTHER UND LUTHERTUM. Fr. Denifle, O.P. Zweite Auflage, P. Albert Weiss, O.P. Erster Band, Schluss-Abteilung. Ergänzungsband II. Mainz: Kirchheim. 1906.

THE second half of Denifle's first volume shows the hand of a careful and experienced editor. For the order in which various parts now appear, Father Weiss deserves our heartiest thanks. The amount of material gathered by the late author appears to have been too much for one in failing strength as he was to carry and to put into place. Owing to the present arrangement the section in which Denifle exposed Luther's ignorance of the great Scholastics can be read with much greater profit.

To many, perhaps, it will be a surprise to hear that sometimes consciously, sometimes unconsciously, Luther depended very much on Occam. Another point which is very well brought out by Denifle and Weiss, is Luther's utter failure to explain the theological axiom : 'Facienti quod in se est, Deus non denegat gratiam.'

Father Weiss's own supplementary brochure (pp. 212) reviews and justifies Denifle's work. Starting from a comprehensive view of the Reformation, its nature and consequences, he shows that Denifle was right in his estimate of Luther, and that, owing to his researches, no candid and educated Protestant can ever again maintain the 'Luther-legend.' Denifle's unrivalled knowledge of patristic, medieval, scholastic and sixteenth-century controversial literature, has silenced Harnack, Seebery, and all other would-be defenders of it. One of the most attractive parts of Father Weiss's brochure is his chapter

on the psychology of Luther. This is a subject he is eminently fit for,

To those who appreciate perfection of German style, and who know that Father Weiss is regarded by Catholics and Protestants alike as the best prose writer since Lessing, it is unnecessary to recommend this work. We shall look forward to the pleasure of reading the second volume. Its object will be to show, as Father Weiss tells us, that Protestantism is only a part of the Reformation, the Reformation only a part of Humanism or Secularism, and the secularism of the sixteenth century only the preparation and groundwork for the secularism of the twentieth. No one living understands the perils of the present day better than Father Weiss, and therefore no one can portray more accurately the religious and social consequences of Protestantism.

R. W.

KYRIALE SEU ORDINARIUM MISSAE, quod juxta Editionem Vaticanam Hodiernae Musicae Signis Tradidit Dr. Fr. X. Mathias, Organista Ecclesiae Cathedralis Argentinensis. Ratisbon : Fr. Pustet. 1906. 8vo, iv. and 95 pp. Price 6*d.* ; bound 9*d.*

IN this edition of the Vatican *Kyriale* in modern notation Dr. Mathias has endeavoured to represent the grouping of the notes by means familiar to the modern musician. He has recourse especially to a careful use of the connecting stroke of the quaver notes, to which he adds, when necessary, slurs or even double slurs. In a few places we have some doubt about the appropriateness of the transcription. Thus the breaking up of the clivis on the second Alleluja of the *Vidi agnam* seems rather strange. Similarly the connexion of the last note *g* of the initial figure (*pes subbipunctis*) of the *Sanctus* No. 4 with the following *e* seems to suggest a different rendering from the Gregorian notation. But these may be cases of a difficulty intrinsic to a transcription into modern notation.

The melodies are also transposed, when necessary, into suitable keys. Here occasionally the *Kyrie* and *Gloria*, which are to be sung in immediate succession, cause some difficulty. Thus we found the *Kyrie* of No. 3 in E, the following *Gloria* in C. We should consider it better to have the *Gloria* in B, which could make the transition easier. There is all the more reason for this, as the *Gloria* rises twice to *e*, a rather high note for the average voice.

The English preface is in parts unintelligible, but as the

signs employed explain themselves, this does not matter much. To those who prefer to sing Plain Chant from modern notation we can recommend this edition.

H. B.

KYRIALE SIVE ORDINARIUM MISSAE, juxta Editionem Vaticanam a SS. D.N. Pio PP. X. Evulgatam. Modern Notation. Fischer's Edition, No. 2,891. New York : J. Fischer & Bros. 8vo, pp. 100. Price 35 cents.

THIS edition makes use of the methods employed by the Solesmes monks in the modern transcriptions of Plain Chant, including the curious rest at the beginning of phrases. Moreover, their rhythmical interpretation seems to be followed generally. A peculiarity is the double key-signature employed invariably when there is a transposition, such as four flats followed by three sharps in brackets, to indicate an alternative key. This necessitates double accidentals, when the Gregorian notation shows a flat. These double accidentals, a flat before the note and a bracketed natural after it, give the page a peculiar appearance, when they occur rather frequently, as, for instance, in the *Gloria* No. 2. It seems to us that it would have been better to make the signature frankly modern : thus, in the case quoted, to give the signatures of C minor and C sharp minor. It seems strange to make an A sharp in the signature, and then to contradict it every single time the note *a* occurs. We notice a slight awkwardness of keys in the Mass No. 5, where the *Kyrie* is in C, the *Gloria*, though of the same mode, in B or B flat. As the *Gloria* in the Gregorian notation does not rise above *d*, it might have been left untransposed.

The printing is rather wide, which brings about the fifteen additional pages, as compared with Pustet's edition. This will probably be considered as an advantage by many.

H. B.

DIDASCALIA ET CONSTITUTIONES APOSTOLORUM. F. X. Funk. Paderborn : Schöningh. 1906.

ONE of the best signs of the present day is that so many scholars devote themselves to the work of accurately editing and elucidating ancient ecclesiastical texts. Every year witnesses learned publications. 1906 has been rendered notable by the appearance of the long expected critical edition by the great

Tübingen professor of the *Didascalia* and the *Apostolical Constitutions*. Needless to say that it fulfils all the expectations that were formed or that the first of living authorities are unanimous in its praise. The edition is the result of many years' careful study. In his preface Dr. Funk casually mentions that his emended text of the *Constitutions*, for which MSS. in every country were collated was, it seemed to him, ready for the press in 1905. That year fragments of an old Latin version of the *Didascalia* were discovered by Hauler, who published them in 1900. Since that time further codices of the Syriac version, which is, however, not so literally faithful as the Latin, have been made known by Mrs. Gibson—*Horae Semiticae*: No. I., *The Didascalia Apostolorum in Syriac*; No. II., *The Didascalia Apostolorum in English*. Cambridge University Press, 1903.

Besides these materials for a critical edition of the *Didascalia*, to which some have been added recently, collateral sources of information either discovered or more carefully examined in the past few years have all been utilized for the present work. Its second volume, entitled *Testimoni et Scripturae Propinqua*, contains among such susidiary documents the *Fragmenta Anastiana*, the *Epitome libri VIII. Constitutionum*, the *Apostolical Canons*, the *Sacramentarium Serapionis*, and translations of the Arabic *Didascalia* and the Egyptian *Constitutions*. Though the *Canons* of Hippolytus depend on these *Constitutions*, because their text is not yet definitively established, Dr. Funk does not give them *in extenso*, but while holding that Hippolytus is not their author he uses them. Neither does he in this second volume quote the text of the *Didache*, it is printed in several works. We may say in none better than in his own *Patres Apostolici*, Tübingen, 1901. He appears to have gathered every testimony of antiquity to the *Didascalia* and the *Constitutions*, and every text that can throw light on their meaning. His Prolegomena and Notes show him to have a complete mastery over the whole subject, and to have gone beyond Harnack, Achelis, Bickell, Rahmani and others. His previous dissertations: *Die Apostolischen Konstitutionen*, 1891; *Das Achte Buch der Apostolischen Konstitutionen und die verwandten Schriften neu untersucht*, 1893, and the essay in his *Abhandlungen*, 1899, were a preparation for the great work now published. This is equally evident in regard of his *Das Testament unseres Herrn und die verwandten Schriften*, 1901, in which he examined the arguments of its discoverer, Mgr. Rahmani, the Uniat Syrian Patriarch of Antioch. This was done, on account of the eighth book of the *Apostolic Constitu-*

tions, which contains one of the most ancient liturgies. A further treatment of this important subject falls outside the scope of the present work, but those interested in it will, we may observe, find a great deal in a work by two non-Catholics : *The Testament of our Lord*, Cooper and Maclean (Clark, Edinburgh, 1902).

It is of course commonly known that the so-called *Apostolic Constitutions* are nothing more than a compilation made apparently by the Pseudo-Ignatius from earlier documents of which two have been preserved, viz., the *Didascalia* and the *Didache*. From the former were taken the first six books, and from the latter the beginning of the seventh. The *Didascalia* which belong to the second half of the third century, is particularly valuable as Mrs. Gibson shows on account of its numerous Scriptural quotations. Though we may remark all the O.T. ones are not, as she thinks, taken from the *Septuagint*. But besides its utility in this respect, the *Didascalia* tells us about the ecclesiastical and liturgical ordinances of its own time. What we find here is amplified and developed at the time, i.e., the end of the fourth or the beginning of the fifth century, when the *Apostolical Constitutions* were drawn up by an ingenious forger. For the sake of facilitating comparison Dr. Funk has printed a (*compound*) Latin translation of the *Didascalia* and the Greek text of the *Constitutions* on opposite pages. This arrangement is one for which students will be thankful. The original Greek of the *Didascalia* is not extant, but as we said above there is a Syriac version (*which is complete*) and a Latin (*which contains a third of the whole*). The fragments of the latter are given here, for the remainder the editor uses a Latin translation made for the work. It is, we may say in conclusion, a work of which all our ecclesiastical colleges should have copies ; the more it is read the deeper will be the gratitude felt to its learned and painstaking editor.

R. W.

#### AN INDEXED SYNOPSIS OF NEWMAN'S 'GRAMMAR OF ASSENT.'

By John J. Toohy, S.J. Longmans, 1906. pp. 220, 8vo. Price 3s. 6d.

THIS is a most opportune and useful publication : opportune because Newman's philosophy, mainly embodied in his *Grammar of Assent*, is just now attracting a good deal of attention, and is being widely and earnestly studied ; useful, because the work is so excellently done that it enables us to get at all Newman has said, and almost entirely in his own words, about every

topic treated in the *Grammar*,—and that without the loss of a moment of time. The arrangement is alphabetical, and the cross-references as complete as could possibly be desired. We are thus enabled to pass in review directly and immediately a concise but adequate presentation of Newman's teaching on the illative sense, informal inference, natural inference, reasoning, assent—notional and real, logic, universals, etc. ; the references under each of those headings carrying us easily on to the others.

For the student's purposes the book is invaluable. Indeed it will give him a grasp of Newman's doctrine with infinitely less trouble than an unaided study of the text of the *Grammar* itself. We hope, however, that it will be used rather as a companion to the study of the latter than as in any sense replacing it. However, we may differ from some of the fundamental contentions of the *Grammar*, we should be sorry that any digest or synopsis should come between the student and the reading of such a pregnant and suggestive book.

The references are to the paging of the edition we have just now at our hand (New Edition, Longmans, 1895). We presume that the various editions of the *Grammar* are similarly paged.

P. C.

DICTIONNAIRE DE PHILOSOPHIE. L'Abbé E. Blanc.  
Paris : Lethielleux. Price 12s.

OUR own time appears to be the age of good dictionaries. In all departments of knowledge a great advance has been made on the works with which a former generation of students had perforce to be content. Catholic France is giving us excellent works on Scripture, Theology, and Liturgy, and now a French priest presents us with an admirable work on Philosophers and Philosophy.

The biographical articles which it contains on philosophers of all ages are as numerous and as comprehensive as a student could wish. If a professor requires more, he can consult such works as those of Überweg, Zeller, etc. The greater part of the present work (640 pp., 4to) deals with philosophy. It is a safe guide among the labyrinth of systems, each one of which it describes clearly. As regards theories, controverted points, and especially technical terms of modern philosophy, it is the best compendium that has ever come into our hands. Nor does it omit the explanation of Scholastic or Aristotelian terminology. While for special purposes a student will use Kappe's *Lexicon Aristotelicum*, or Schutz's *Lexicon S. Thomas*,

as concordances or as guides to parallel passages, etc., on common subjects, he will find here a sufficient explanation. But special attention has been paid to the manifold and sometimes perplexing terminology of modern writers ; e.g. *aprosopia*, *phagocytes*, *chimiotropism*, etc. And as social questions engage the thoughts of many at the present day, even such words as *fasci*, *vooruitt*, *lockout*, find a place in these pages.

Baldwin's great work (*Dictionary of Philosophy and Psychology*, 3 vols.) gives a larger amount of information on physiology, pathology, anatomy of the nervous system, and of other subsidiary subjects, but not on metaphysics or psychology proper. Le Blanc's article on Sensation is preferable. And in his book the laws of literary perspective are better observed. What a student wants is put in front. Minor details are not made prominent, it being considered sufficient to indicate them clearly. And the whole field of philosophy, ancient, medieval, and modern, is surveyed from the Catholic standpoint. Abbé Le Blanc, who is professor of philosophy in the Catholic University of Lyons, and the author of several philosophical treatises, has rendered excellent service to students by the publication of this orderly and complete work.

J. G. M.

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#### MISSING NUMBERS OF THE 'I. E. RECORD'

A friend who wishes to complete a set of the I. E. RECORD is in search of the numbers for February, March and July of 1876, Vol. 12. Anyone having these numbers to dispose of would confer a favour by communicating with the Publishers or the Editor.

# The Irish Ecclesiastical Record

A Monthly Journal, under Episcopal Sanction.

Fortieth Year  
No. 473.

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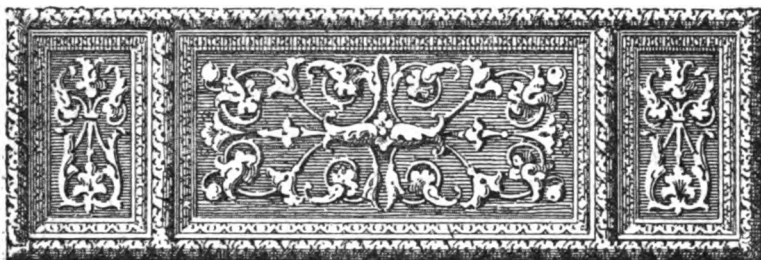
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## PRUSSIAN SCHOOL-LAW OF 1906

**T**HE regulation of the primary schools in a country like Prussia, where the people are so divided in their religious convictions, and where, moreover, sectarian feelings run rather high, was not the least remarkable feat of statesmanship performed by the Bülow Government. According to the Prussian Constitution of 1850, it was laid down (Art. 24) that the schools were to be as far as possible denominational, that is to say, staffed with Catholic teachers for Catholic children and with Protestant teachers for the children of members of the State Church ; that the local bodies were to have a certain amount of control over such institutions and to provide the funds required for their maintenance, while the State was to appoint the teachers and to guarantee them a reasonable income. The whole primary school system was to be regulated by one special law, and until such a law should be passed the arrangements then in existence should continue. Strangely enough, though many bills dealing with particular phases of the primary education question have been introduced and passed, no such general law has ever yet been placed upon the statute book. Nor does the present legislation pretend to cover the whole field ; but it is generally regarded as an instalment, and as the most important instalment, of such a complete scheme.

It owes its origin to a resolution introduced on 13th May, 1904, and supported by a majority composed of

Conservatives, Liberals, and Free Conservatives. All parties recognized that something must be done; and the only possible chance of success was that the different sections should abandon some portion of their claims in the interest of the common weal. The measure is, therefore, essentially one of compromise, and received the support of the Centre Party, not as being an ideal scheme, but as being the best bargain that could be made at the time, and for that matter, as being the best that was likely to be made on any future occasion.

According to the first clause of the new law the schools are to be supported out of the local rates, that is to say, the local bodies are to erect the buildings and keep them in proper repair, to pay the teachers and provide them with suitable residences, to furnish the necessary requirements of the school, and in a word, to supply everything which is need for the proper upkeep of the school and teaching staff. In certain poor districts where this would prove an intolerable burden, the State will, under certain well-defined conditions, undertake responsibility for a part of such expenses, proportionate to the wants of the community and the local rate of contribution. No school fees are to be charged except in case of children who do not belong to the particular school district in which they are being educated. In case of the cities and large towns there is no difficulty, as these naturally form an area for the purposes of the school law; but in case of small towns and villages in the rural districts, where the number of schools under one local body is very small, two or three or more such local bodies may join together to constitute a school area. Where the whole land is owned by one man, and where all the residents are either his servants or tenants, the owner is responsible for all the school expenses; and under the present legislation he has the same rights and responsibilities as the authorities of any recognized school district. Hence, he too may unite with the authorities of the neighbouring districts to form a legal school area.

In case of such unions the expenses are divided partly

according to the number of children attending school from the different districts so united, partly according to the amount of taxes raised upon lands, buildings and incomes of the district. For example, let us suppose three districts, A, B, C, unite to form a school area, and that the whole school expenses for a year amount to 2600 marks. If, now, the number of children in attendance from district A were 30, and the income derived in taxes from the above-mentioned sources amounted to 4000 marks; if from district B the number in attendance were 25, and its taxes 3000 marks, and from district C, 10 scholars, and 2100 marks in taxes, the whole number of children in attendance is 65, and the total amount of taxes is 9100 marks. Now the half of the whole school expenses, namely, 1300 marks, is to be paid according to the number of children present from each district, and as there are 65 children in all present, the cost per head is evidently  $\frac{1300}{65}$  or 20 marks. Hence district A pays  $30 \times 20$  or 600 marks; B,  $25 \times 20$  or 500 marks; C,  $10 \times 20$  or 200 marks. The other half of the school expenses is to be paid according to the taxes received, namely, (A, 4000 + B, 3000 + C, 2100) or 9100 marks. The half in the case is 1300 marks which is one-seventh of the whole taxes received, and hence A pays  $\frac{4000}{7} = 571, 43$  marks; B  $\frac{3000}{7} = 428, 57$  marks; C  $\frac{2100}{7} = 300$  marks. So that in all A pays (600 + 571, 43) or 1171, 43 marks; B (500 + 428, 57) or 928, 57 marks; C (200 + 300, 00) or 500, 00 marks. The method of division, though somewhat complicated at first sight, is easily worked out in practice, and seems equitable.

Since the local bodies are responsible for the whole school expenses, it is only fair that the old school boards should be dissolved, and that their property should pass into the hands of the local authorities. But two important restrictions should be noted. In the first place, a careful inventory is to be made of such property, and care is to be taken that it shall be applied always in accordance with the will of the donors as expressed in the donation deeds. Hence, if the donor had ordered that his gift or bequest should be used for the upkeep of a certain school,

or for any particular department of educational work, the local authorities are merely the administrators of his wishes, and are bound to respect them. In the second place, if the property was placed in charge of a recognized legal corporation, as for instance, an ecclesiastical body, it still retains its rights, and to it belongs the administration of the property according to the terms of the donation. If a disagreement arises between these legal corporations and the local bodies the courts are to decide the dispute. Whenever the property has been given for ecclesiastical and educational purposes, then both parties, the representatives of the Church and of the district, have a voice in its distribution.

The fourth chapter of the law deals with the religious character of the schools, and in a country like Prussia where the members of the Evangelical Church number about twenty-two millions, Catholics, about twelve and one-half millions, and Jews, about four hundred thousand, and where the majority of these are not mere nominal adherents of their faith, the difficulty of the problem can be easily estimated. Till the present time, as is evident from the Constitution of 1850, denominational schools were the rule in Prussia, and the mixed schools were regarded only as the exception. As a result we find that in the year 1906 before the introduction of this law, out of 25,000 school districts (excluding West Prussia, Posen and Nassau) only thirty of these favoured the mixed school. In the excluded provinces, namely, West Prussia, there were only 403 mixed schools, in Posen, as might be expected from its Catholic character, only 169, and in Nassau, though the schools are nominally undenominational, 697 out of 780 schools were really denominational in their actual working.

According to clause 33 of the present law, the public schools are as a rule to be so constituted that Catholic children shall be taught by Catholic teachers, and Protestant children by Protestant teachers. This was emphasized as the real essence of this part of the Bill by the Ministers of the Government. Hence, when a vacancy occurs in a school which at present is occupied exclusively by a Catholic teaching staff, none but a Catholic

may be appointed; and a similar rule holds good for the schools which at present are worked by an exclusively Protestant staff. In exceptional circumstances, as, for example, where in a Protestant school two-thirds of the children in attendance have been Catholic for five successive years, and where the number of Protestants has been less than twenty, a Catholic teacher ought to be appointed on the occurrence of a vacancy, but the consent of the Board of Education is required. A similar rule is applied where the school has been hitherto occupied by Catholic teachers. Besides, wherever in any school district only such denominational schools have existed—and as we have seen these are the rule—no change can be made, and the new schools which may be erected must also be denominational in character. For very special reasons new mixed schools may be erected, but 'the special reasons' for such foundations were of such extraordinary nature that they could not be determined in the Bill. When questioned on this point, the Minister replied that the denominational schools are to be the rule, and the others only the exception, and that it would be more convenient to leave the decision of the nature of 'the special reasons' which would justify the erection of new mixed schools to the Provincial Council. But it is perfectly clear that these reasons must not be of a general nature, as, for example, the superiority of the mixed schools over the denominational, but must arise from the peculiar circumstances of the district.

In such cases how are the minorities to be treated? If, for instance, the district be overwhelmingly Protestant, and the schools in consequence Protestant in their teaching staff, how are the Catholic children to be protected? In such cases, if for five successive years the number of Catholic children amount to sixty, or if in cities and towns of over 5,000, they amount to 120, the local authorities must build a school and staff it with exclusively Catholic teachers to be paid out of the local rates. If, however, they number only twelve, provision must be made for their religious education; and as a rule this must be done by the appointment of a qualified religious instructor to be paid as the

other teachers. Wherever this method is found impossible on account of the extra cost, and particular circumstances of the school, provision must be made in another way, namely, by the appointment to the teaching staff of a teacher of their religious belief. But here again such a solution is to be regarded as the exception, and the former method, namely, the appointment of a special religious instructor, is recognized as the general rule.

On the other hand, as has been said, the measure is essentially one of compromise, and something had to be yielded up to the friends of mixed education. Hence it is laid down that wherever mixed schools at present exist, they are, as a rule, to retain for the future their mixed character, and if in any district none but mixed schools exist, no new denominational school can be built except for very special reasons, and with the consent of the Board of Education. If, however, both kinds of schools exist side by side in any district, in the future erection of schools the present proportion between the two classes must be completely maintained. Besides, too, in regard to the mixed schools—and this is very important—Catholic or Protestant teachers must be appointed in proportion to the number of Catholic or Protestant pupils in attendance. Hence if, for example, the numbers are about equally divided, the teaching staff must be half Catholic and half Protestant, or even though the attendance be overwhelmingly Protestant, with a substantial minority of Catholics, Catholics must be represented on the teaching body. This provision minimises to a certain extent the possible dangers of such institutions, and ensures the light of publicity upon their working. Special regulations are made for the protection of the Jewish children, with which it is not necessary to deal in the present article.

The fifth section of the law deals with the control of the schools and the appointment of teachers. Since the money required for the administration of the system must be raised by the local bodies, the control naturally enough is left to a great extent in the same hands. In the cities and large towns the control of the schools is vested in the

body known as the 'Magistrat' and the town council. The 'Magistrat' consists of the mayor and a certain number of his assistants who are elected by the people, confirmed by the Government, receive a salary for their services, represent the Government in the administration of affairs, carry on the public business of the city, and form, in a word, a kind of inner cabinet or council in the city corporation. These, together with the town councillors, appoint the Local School Board in which is vested the control of the primary schools in the district.

The Local School Board consists of from one to three members of the body known as the 'Magistrat,' of an equal number of town councillors, of at least an equal number of men interested and supposed to be acquainted with educational affairs, of whom at least one must be a teacher actually engaged in his profession, of a clergyman of the Catholic and Evangelical religions, and if the Jewish population be large, of a Jewish Rabbi, and the district inspector is, of course, an *ex officio* member of the board. The mayor appoints the representatives of the 'Magistrat,' and besides he himself has a right to attend and take the chair at all meetings of the board. The town councillors elect their representatives, and those appointed or elected by these two parties co-opt the others.

Besides the Local School Board, special Committees may be appointed for special schools, or for any particular department of the work of the School Board, and wherever such are appointed for denominational schools, the members elected must be of the same religious persuasion as the teachers and children of the school with the affairs of which they are called upon to deal. The Local School Boards have a double capacity. On the one hand they represent the local authorities and must be guided by their decisions, and on the other, they partake of the jurisdiction of the Board of Education, and must carry out the instructions of its officials. They are charged with the proper upkeep of the school buildings, and with the administration of the school property and funds.

In the country districts where the local bodies are

charged with the maintenance of the system, the Local School Board is constituted in much the same way. The Government representative in the district is appointed, and besides the local magistrate and the mayor (elected and confirmed by Government), a teacher designated by the Board of Education, a representative of the Catholic and Evangelical Churches, and from two to six elected representatives of the district council have a right to seats on the board. In places where a number of school districts for one reason or another join together to form a common school area, the regulations are too minute to be indicated in detail, but the general principle of local control is also the essential feature of such a common School Board.

The appointment of teachers rests with the local authority. In the cities and large towns the selection of teachers is unrestricted, except that the persons so selected must have fulfilled the usual conditions required in a teacher of a Prussian school; but in small school areas where the number of places to be filled is only twenty-five or less, the local authority is restricted in its selection to three teachers designated by the Board of Education. In the cities and large towns the teacher is selected by the 'Magistrat,' who are, as we have pointed out, the Government representatives in the administration of the affairs of the city or town. The city corporation or town council have no rights in the matter, not even the right of explaining their wishes and views. But before the 'Magistrat' can appoint the teacher, they must hear the opinions of the Local School Board or Local School Committee if any such exists, though they are not bound to follow their wishes.

Wherever in the small towns and rural districts a body corresponding with the 'Magistrat' exists (in such cases it would consist of the mayor and lay assessors of the local petty court), they have the same rights. But as a rule such bodies do not exist, and in all such cases the teachers are selected by the Local School Board. Of course, in districts where the support of the school falls upon the local landowner, he will have the principal voice in any

appointment of teachers. But in all cases, whether the appointment is made by the 'Magistrat,' the School Board or the landowner, the selection must be confirmed by the Board of Education before the appointment is finally made, and if the Board of Education refuse to confirm the election, a new election must be held. If a second time the local nominators or nominator select a candidate displeasing to the Board of Education, the latter may proceed at once to make an appointment without further consultation with the local authorities.

In these appointments it is to be noted first, that the local boards are governed in their choice of candidates by the clauses of the Education Law. Hence they must always nominate a Protestant teacher for a Protestant school, and a Catholic teacher for a Catholic school, and must besides respect the rights guaranteed by the law to minorities. Secondly, they have no determining voice in the appointment of rectors or head teachers. The difference between these two classes is only technical. The principal teacher of a school in which there are six different grades or classes is called a rector, in all other cases he is called a head teacher.

The payment of teachers has not been dealt with in the present law, but the subject is under consideration, and legislation on the subject will soon be introduced. Till this be done, the payment of teachers is governed by the provisions of the law of 3rd March, 1897. According to this the income of teachers consists of a fixed salary, which must not be less than 900 marks (roughly £45) for men, and 700 marks (£35) for women. In addition to this, they are to receive an increment after seven years' service, and another every three years till their maximum salary is reached with the ninth increment so awarded. The amount of the increment must not be less than 100 marks (£5) each time for men, and 80 marks (£4) for women. These figures, it should be observed, represent the very minimum wage insisted upon by the State, and do not in any way indicate the actual salary received by most teachers in Prussian schools. Besides,

this, the teacher must be provided with a free residence, and in most cases a garden and fuel are also added free of cost. In case it is found impossible to provide a free residence, the teacher must receive suitable compensation, which, however, is not to exceed one-fifth of the salary of which he is in receipt. In case of permanent teachers the salary is paid quarterly; where the appointment is not permanent it is paid at the end of each month.

Due provision is also made for the pension of teachers, who through age or sickness are unfit to discharge their duties. Every teacher permanently appointed has a right after ten years' service to a life-long pension, in case he is unable for reasons of health to continue his work; and even he has not given ten years' service, if in consequence of the fulfilment of his duties he is rendered unfit, he has a similar right. In all cases, on the completion of his sixty-fifth year he may at once retire, and must be placed upon the pension list. If he retires at end of ten years he receives for the rest of his life a yearly sum equivalent to  $\frac{2}{5}$  of the salary of which he is then in receipt, and for every additional year's service the rate of pension is increased by  $\frac{1}{10}$  of his salary, till in the end it reaches  $\frac{4}{5}$ ; and this is the maximum pension now allowed by law.

In case a teacher dies in service some provision is made for his children and his wife. For every child born to him in lawful wedlock a sum of 50 marks (£2 10s.) is allowed yearly in case the mother is still alive, but if the mother is also dead a yearly sum of 84 marks (£4 4s.) is granted. This grant ceases as soon as the child has completed its eighteenth year, or as soon as it contracts a marriage or dies. The widow in such cases has a right to  $\frac{2}{3}$  of the pension which her husband would have been entitled had he resigned. This ought to be as a rule not less than 216 marks (£10 16s.) and not more than 2,000 marks (£100).

JAMES MACCAFFREY.

## EPISCOPAL SUCCESSION IN THE DIOCESE OF ELPHIN DURING THE REFORMATION PERIOD

**I**N a book published by Hodges, Figgis & Co., styled *Loch Cé and its Annals, North Roscommon and the Diocese of Elphin in Times of Old*, by the Rev. Francis Burke, M.A., Dean of Elphin and Diocesan Registrar, I find it stated :—

They [the natives of Elphin] saw the bishop of the former régime, Roland Burke, appointed to his office by no less an authority than Pope Paul VII, continuing on as Bishop of Elphin, adopting the reformed worship, ordaining the clergy of the diocese, conforming altogether to the altered state of things, and performing every duty of his office, as a reformed bishop, up to the year 1584 [*sic*] or to an advanced stage of Queen Elizabeth's long reign. . . . We belong to no sect of yesterday. The unbroken succession to the old Church of Elphin diocese is ours.<sup>1</sup>

In a letter on the same subject, published in a public journal,<sup>2</sup> the same writer says :—

The unbroken continuity of the line of bishops from the early Irish Church was actually preserved in this particular diocese of Elphin. Roland Burke, originally nominated in 1534 to the bishopric of Clonfert, by no less an authority than Pope Paul VII, was *de facto* also Bishop of Elphin from the year 1552, till he reached a very advanced age in 1580. Of the fact that he became a reformed and reforming prelate there cannot be the remotest doubt. After him came Thomas Chester, an Englishman, who died in the year 1582. Andrew O'Craiden, we are told in the *Annals of Loch Cé*, was elected at a council in Dublin to succeed him, but in the year 1584 he seems to have been suspended in favour of John Fitzjames Lynch, B.A., a Galway man who was educated in the principles of the Reformation at New Inn Hall, Oxford. He resigned the See in 1611, when Dr. Edward King became his successor, and who so worthily filled the bishopric till the year 1638.

Could we but induce the extreme advocates of the Roman mission in this land to study the history, ritual, usages, and polity of the early Irish Church and its absolute independence of Rome.

<sup>1</sup> Pages 103, 134.

<sup>2</sup> *Sligo Independent*.

Of course, as everyone knows, there was never such a Pope as Paul VII, though Dean Burke, both in his book and in his letter says that he appointed Bishop Roland Burke. As a matter of fact he was appointed by Clement VII in 1534. Hugh Jackson Lawlor, D.D., Canon and Precentor of St. Patrick's, and Professor of Ecclesiastical History, Dublin (University), writes on the same subject :—

The facts as to the episcopal succession in Elphin are instructive. To that see no less than eight persons are recorded to have been appointed between 1525 and 1550, and it seems that there were occasionally three rival bishops at one time. Thus Bernard O'Higgin was provided in 1542, and yet in February, 1545, ignoring this appointment, the Pope provided John O'Heyne. Since O'Higgin resigned in 1561 to the Papal authorities, it may be assumed that at any rate at the end of Queen Mary's reign he was recognized by the Pope as bishop. But was he recognized by the Crown? On April 10, 1552, a grant of the see was made by Edward VI, under a royal letter of November 23, 1551, to Roland Burke or De Burgo, Bishop of Clonfert, the two dioceses being united for his life. He died in June, 1580, and it was apparently on his death that Thomas Chester was appointed bishop, since he was 'elect' on September 7, 1582. Certainly De Burgo was regarded as bishop of both dioceses in 1560, and again in 1574. There can be no doubt that from his death till the union of the diocese with Kilmore, the Irish Church has maintained a regular succession.<sup>1</sup>

Dean Burke further says that Roland Burke signed the Roll of Elizabeth's Parliament in 1560, said to have abolished the Catholic religion in this country and to have passed the Penal Laws of Elizabeth; and that Bodkin and Mullally, reformed Archbishops of Tuam at that time, took care of the succession in Elphin.<sup>2</sup>

On all this I observe that Dean Burke states that the early Irish Church was absolutely independent of Rome. He also holds the succession of his bishops and clergy from the ancient Church of Ireland. His proof that the unbroken continuity of his line of bishops from the early Irish Church was actually preserved in this particular

<sup>1</sup> *The Reformation and the Irish Episcopate*. London, 1906 (October).

<sup>2</sup> Letter, etc.

diocese of Elphin is that it passed through Bishop Roland Burke originally nominated to the bishopric of Clonfert by no less an authority than Pope Paul VII (really Clement VII). Now if the ancient Irish Church was absolutely independent of Rome, does it not appear passing strange that the succession of Dean Burke's bishops and clergy from the ancient Irish Church depends on their connexion with a bishop who derived his place, jurisdiction, and authority as bishop from the Pope of Rome? The theory supported by Todd, and propounded by King, Mant, Palmer, and their followers, that the Church of St. Patrick was entirely independent of Rome and had no connexion with it seems to have been abandoned by the best Irish scholars.

One of the latest writers on this subject, Professor Bury, the distinguished historian, formerly Fellow of Trinity College, Dublin, now Professor of Modern History, and Fellow of King's College, Cambridge, in his *Life of St. Patrick*, holds that the Church of Palladius and Patrick was from the beginning part of the great Western Church which acknowledged the See of Rome as its head. While he thinks that St. Patrick was not consecrated by St. Celestine, still he teaches that he as well as Palladius had the authorization of Rome for his Irish mission :—

The circumstances seem to imply [he writes] that there was a distinct understanding that he (Patrick) was to be the successor of Palladius, and Germanus consecrated him Bishop immediately. And so it came about that, in the end, he started for the field of his work invested with the authority and office which would render his labours most effective<sup>1</sup> . . . The circumstances of the consecration and mission of Palladius were significant; but whether his successor was ordained at Rome or at Auxerre was a matter of little moment . . . The historical significance of his (Palladius's) appearance there (in Ireland) does not lie in any slight ecclesiastical or theological successes he may have accomplished. It is significant, because it was the first manifestation in Ireland of the authority of Rome. The secular arm of Rome, in days when Rome was mightier—the arm of Agricola, the arm of Theodosius—had never reached

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<sup>1</sup> *The Life of St. Patrick and his Place in History*, by J. B. Bury, p. 59. London: Macmillan & Co., 1905.

the Scottic coast : it was not till the mother of the Empire had been besieged and despoiled by barbarian invaders that her new spiritual dominion began to reach out to those remote shores which her worldly power had never sought to gain. The coming of Palladius was the first link in the chain which bound Ireland—for some centuries loosely—to the spiritual centre of Western Europe<sup>1</sup> . . . The essential point is that by the sending of Palladius, Ireland had become one of the Western Churches, and therefore, like its fellows, looked to the see of Rome as the highest authority in Christendom. Unless at the very moment of incorporation, they were to repudiate the unity of the Church, the Christians of Ireland could not look with other eyes than the Christians of Gaul at the appellate jurisdiction of the Roman bishop, and the moral weight of his decretals.<sup>2</sup>

He holds, on the authority of *Tirechan*, the *Tripartite*, the *Annals of Ulster* and *Innisfallen*, that St. Patrick visited Rome in the beginning of the pontificate of Leo the Great (*circa* 441) :—

The result [he writes] of the visit to Rome is briefly stated in words which are probably a contemporary record,<sup>3</sup> 'he was approved in the Catholic faith.' He may well have received practical advice from Leo—such advice as a later Pontiff gave to Augustine for the conversion of the English. But Patrick bore back with him to Ireland visible and material proofs of the good-will of Rome. He received gifts which, to Christians of his day, seemed the most precious of all gifts, relics not of any lesser martyrs, but of the Apostles Peter and Paul. They were gifts particularly opportune for bestowing prestige on the new Church which he was about to found (Armagh), and where they were afterwards preserved.<sup>4</sup>

He holds as genuine and authentic the canon of St. Patrick which lays down, 'If any questions of difficulty arise in this island, let them be referred to the Apostolic Seat.'

The position [he writes] which the Roman See occupied by common consent, in the days of Patrick, has been sufficiently explained in a previous chapter ; and if this position is rightly understood, it becomes evident that, when Ireland entered into the ecclesiastical confederation of the West, it was merely a direct and inevitable consequence that for the Church in

<sup>1</sup> Bury's *St. Patrick*, p. 57.

<sup>2</sup> *Ibid.*, pp. 65, 66.

<sup>3</sup> *Annals of Ulster*, A.D. 441. 'Leo ordinatus est xliif[i], Romane ecclesie episcopus, et probatus est in fide Catholica Patricus episcopus.'

<sup>4</sup> Bury's *St. Patrick*, p. 154.

Ireland, just as for the Church in Gaul or in Spain, the Roman See was both a court of appeal, and also the one authority to which recourse could be had, whenever recourse to an authority beyond Ireland itself seemed desirable.<sup>1</sup>

Dean Burke's list of the Bishops of Elphin, from the time when Henry VIII declared himself head of the Church to the reign of James I, like those of many other Protestant writers, is defective and inaccurate. In 1534 England was severed by Act of Parliament from the authority and communion of Rome. The king was declared supreme head of the Church of England: and from the time of the abolition of the Papal authority to the end of his reign, the creed of the Church depended on the theological caprice of its supreme head. The Crown was proclaimed to be the only source of spiritual jurisdiction. All power to appoint and suspend bishops and to enable them to perform their functions validly vested in Henry and his Vicar-General, Cromwell.<sup>2</sup> A parliament was convened in Ireland, at the instance of Browne, Henry's Archbishop of Dublin, and met on the 1st of May, 1536. The proctors, of whom there were three from each diocese, and who had heretofore had the right of voting, were despotically excluded, and in 1537, laws similar to those of the English Parliament were passed.<sup>3</sup> Henry's son, Edward VI, a mere youth, was head of Dean Burke's Church: his daughter, Elizabeth, was head of the Church. Dean Burke tries to show that the source of his Church is the ancient Irish Church. But his Church is or was identical with the Anglican Church. It had the same head, at least down to the Disestablishment. Its bishops were transferred to Irish sees. It adopted the English prayer-book, service, and ordinal. The Reformation in England, in the words of Lord Macauley, himself an Anglican Protestant, 'Sprung from brutal passion, nurtured by selfish policy, was begun by Henry, the murderer of his wives, was continued by Somerset, the murderer of his brother, and completed by Elizabeth, the

<sup>1</sup> Bury's *St. Patrick*, p. 169.

<sup>2</sup> Lingard's *History of England*, Vol. v., pp. 10, 11, 25, 26, 49.

<sup>3</sup> Haverty's *History of Ireland*, p. 365.

murderer of her guest.<sup>1</sup> Here we have the true origin and fountain-head of the Protestant Church, orders, and jurisdiction in Ireland. Water cannot rise above its level.

In examining the episcopal successions in Elphin, we see how faithfully St. Patrick's canon was observed. If any questions of difficulty arise in this island let them be referred to the Apostolic See. This was especially done with regard to the appointment of bishops. Thus in 1244, on the death of Donatus O'Connor, some of the canons elected the Provost of Roscommon, while others chose John O'Hughroin, Archdeacon of Elphin. The question was referred to Pope Innocent IV, who on the 5th of the Nones of July, declared both elections invalid, and himself appointed John to the vacant see, since, as the Papal Brief relates, ample testimony had been given of his learning and virtue and commendable life.<sup>2</sup> In 1297, Maelsechlan MacBrian, Abbot of the Buill (the Cistercian monastery of Boyle), was elected to the bishopric of Oilfinn, and Marian O'Dondobuir, a Friar-preacher, was elected before him, and went to Rome to maintain his election to the same bishopric, and died on that journey.<sup>3</sup> The *Four Masters* state that both went to Rome—Melaghlin MacBrian, Abbot of Boyle, was elected to the bishopric of Elphin; and Marian O'Donaver, a friar of the order of St. Dominic, who had been elected to the same see before Melaghlin, repaired both to Rome, where Melaghlin died (1297). But the *Annals of Loch Cé*, specially reliable where Elphin is concerned, agree with the *Annals of Ulster*; and their account is confirmed by the Vatican records which state: 'Eodem electo (Mariano) antequam ad ecclesiam ipsam Elfinensem accederet, naturae debitum persolvente, predictus Malachias occupavit eandem, et adhuc detinet occupatam.'<sup>4</sup> On the death of Donough O'Flanagan (1307), the canons elected Malachy MacAedha (MacHugh), Canon of Elphin, who was in minor orders. The dean, however, refused to take part

<sup>1</sup> Hallam's *Constitutional History, Essays*, p. 56.

<sup>2</sup> Theiner, *Monumenta Vaticana*, p. 44.

<sup>3</sup> *Annals of Ulster*, Vol. ii., p. 391, and note. Ed. MacCarthy.

<sup>4</sup> Theiner, *Monumenta*, p. 172.

in the election, and having nominated Charles (Cathal), abbot of the monastery of the Holy Trinity of Loch Ke of the Premonstratensian Order, got his election confirmed (*archiepiscopo in remotis agente*) by Master Reginald, official of Armagh curia, and had his nominee consecrated bishop (in Armagh, *Annals of Loch Cé*, ad. an. 1307). Whereupon Malachy appealed to the Curia (in Avignon). After due canonical proofs, which are detailed in the Bull of appointment, O'Connor, who appeared neither in person nor by proxy, was deprived of the see, and Malachy appointed thereto by Clement V, June 22, 1310. MacHugh was consecrated at Avignon the same year. The abbot returned to his monastery, where he continued to lead a retired life for more than thirty years.<sup>1</sup> When Malachy MacHugh was translated to Tuam, in 1313, Pope Clement appointed the Canon Laurence O'Lachtuan his successor in Elphin, stating that he was mature in years, distinguished in literary pursuits, and illustrious by the practice of virtue.<sup>2</sup>

George Brann, 1499: died 1530. Dr. George Brann was translated by Papal brief from Dromore to Elphin on the 7th of April, 1499. The *Four Masters*, at the year 1530, record his death thus: 'The Bishop of Elphin, i.e., the Greek bishop, died.' O'Donovan, in his note on this entry, says: 'No account of this bishop is given by Ware or Harris, nor in any of the older Irish Annals known to the editor.' This is not strictly correct, as Ware writes:—

1499. One George, a Grecian, and native of Athens, surnamed (if I mistake not) Brann, Bishop of Dromore, by the Pope's provision, upon the resignation of Nicholas, was translated to this See (Elphin) the 17th of April, 1499. He was Proctor and Moderator of the Indulgences to the Hospital of the Holy Ghost in Saxie (or the Saxon street) in Rome, and to the benefactors thereof; and also for building a new Hospital of the Holy Ghost in Ireland,

<sup>1</sup> Theiner, *ibid.* pp. 180-1; *Annals of Ulster*, p. 414, ed. MacCarthy, note.

<sup>2</sup> Theiner, p. 187. Dean Burke tries to show that these appointments were the result of foreign intervention in the government of the diocese of Elphin. See *Loch Cé and its Annals*, pp. 92, 93, 95.

a member of the aforesaid Hospital. I have found those Indulgences confirmed while he was Bishop of Dromore, in a Synod held at Drogheda, in St. Peter's Church, by Octavian de Palatio, Archbishop of Armagh, in 1495. He lived afterwards in 1523, but when he died I do not find.

Ware further states that he had seen a seal of this George, which he used before he was bishop, with the inscription, 'The seal of George Brann, Vicar of the Holy Ghost.' He must have resigned the administration of the diocese many years before his death, as Christopher Fisher, Bishop of Elphin, is recorded to have died in 1511. He was an Englishman, and held for some time the post of agent of King Henry VIII at the court of Rome. Dr. Fisher was intimate with Erasmus, and it is recorded that in 1510 he was the bearer of the blessed golden rose from his Holiness to the English monarch. Julius II was Pope, 1503-1513. I find it stated, however, by an old writer, Sir Richard Baker, that the golden rose was presented to Henry by Pope Clement VII. He writes: 'Dr. Thomas Hannibal, Master of the Rolls, was received into London by earls, bishops and diverse gentlemen, as ambassador from Pope Clement VII (1523-34), who brought with him a rose of gold for a present to the king; and on the day of the Nativity of our Lady, after a solemn Mass, sung by the Cardinal of York, the said present was delivered to the king; which was a tree forged of fine gold, with branches, leaves, and flowers resembling roses.' The same history says that another present was sent to Henry by Pope Julius, a cap of maintenance and a sword, which was probably the one of which Dr. Fisher was the bearer. On his death Thomas Walsh was appointed Bishop of Elphin. Contemporary documents show that he governed the see in 1521.

John Max, 1525-1536. His successor was John Max, a Premonstratensian monk, Abbot of Welbeck and Prebendary of York. According to the Consistorial Records, Dr. John Max was appointed Bishop of Elphin, on Friday, the 7th of April, 1525. The see of Elphin is described as rated in the books of the *Camera Apostolica* at a

tax of sixty-six florins. In Brady's *Episcopal Succession*, his appointment is thus recorded :—

1525, April 7. John. Die septimo Aprilis 1525 referente Cardinali de Cesis, providit Ecclesiae Elfinen in Hibernia vacanti per obitum Georgii Episcopi Elfinen, extra Romanam Curiam defuncti, de persona Joannis, Abbatis Monasterii N. Eboracen. dioec. Premonstraten. ordinis, cum retentione Monasterii. Reditus flor. non constat. Taxa floren 66. Barberini.

The Bulls for the appointment were dated 7 Idus April anno secundo Clement VII. On the 8th of May, 1525, 'Franciscus de Piscia ut procurator, nomine Joannis electi Elfinen. obtulit 66 florenos auri.' John died on the feast of the Assumption, 1536. Cardinal Moran writes :—

The three next bishops are only known to us from the register of the Consistorial Acts. The first we meet with is Ludovicus or Louis, who was translated from Elphin to the See of Gaudatensis, in 1539. He had for his successor Hubert Isernan (perhaps O' Ifearnain, i.e., Heffernan), of whom it is registered that, 'Anno 1539, sua Sanctitas providit Ecclesiae Elphinensi in Hibernia vacanti per resignationem Ludovisi electi Gaudatensis, de persona Huberti Iseraven monachi ordinis S. Joannis Evangelistae de Falcordimonte ordinis Cisterciensis Rothmagensis dioecesis (act. Consist.).' On the 3rd of June, 1541, Dr. Hubert was translated from this see to Ferns, and Bernard O'Donnell, who only a few months before had been appointed to Ferns, was on the same day translated to Elphin. The following is the Consistorial entry for this double appointment: 'Anno 1541, die 3tio Junii, Sua Sanctitas absolvit Hubertum Episcopum Elphinesem in Hibernia a vinculo, etc., et eum transtulit ad Ecclesiam Fernensem in Hibernia.

'Eodem die S.S. absolvit fr. Bernardum Episcopum Fernensem a vinculo, etc., et eum transtulit ad Ecclesiam Elphinensem vacantem per resignationem Huberti.'<sup>1</sup>

We meet no mention of Ludovicus or Louis or of Hubert Iseranen in Brady's *Episcopal Succession*. Neither Ware, Mant, or Cotton notices these prelates. Ware gives John (Max) and Bernard Higgin. Having stated that John

<sup>1</sup> *Episcopal Succession in Ireland.*

(Max) died in 1536, Brady quotes from the Barberini Consistorial Acts :—

1539, June 16. William Magennis. Die 16 Junii, 1536, referente Cardle Ghinuccio providet Ecclesiae Elphinensi, in Hibernia vacanti per obitum illius ultimi Episcopi de persona Wilhelmi Magne, Canonici Dromoren. cum retentione omnium etc. et dispensatione super defectu natalium. Absolvens etc. Taxa floren 60. Barberini.

1539, August 27. Gabriel de Sto Sevo. Die 27 Augusti, 1539, providit ecclesiae Elfinen., vacanti per obitum N. de persona Fratris Gabrielis de Sto Sevo ord. Sti Benedicti, cum retentione omnium. Firenze.

According to Brady Gabriel was translated to Ferns in 1541. He makes no mention of Hubert Iseranen in the succession of Ferns. He goes on :—

1541, June 3. Bernard O'Donnell. Die 3tio Junii, 1541, referente R. D. Cardli Brundusino, Smus absolvit fratrem Bernardum O'Donnell, Episcopum Fernen. a vinculo quo tenebatur suae Ecclesiae et eum transtulit ad Ecclesiam Elfinen. vacantem per resignationem seu translationem Domni Gabrielis illius ultimi Episcopi. Absolvens eundem Bernardum a censuris etc. Barberini.

According to Brady the succession is, John Max, 1525-1536; William Magennis, 1536-1539; Gabriel de Sto Sevo, 1539-1541; Bernard O'Donnell, 1541. I remark that Brady gives in the margin before the name of William Magennis the date 1539, June 16th, and then after the name, in quoting the Consistorial Acts, die 16 Junii, 1536.<sup>1</sup> One of these dates must be erroneous. How could provision be made for the see of Elphin on the 16th of June, 1536, rendered vacant by the death of the last bishop, whereas John did not die until the 15th of August, 1536?<sup>2</sup> There are different collections of Consistorial Acts preserved in different libraries in Rome, in the families of former Cardinals and Popes.<sup>3</sup> Cardinal Moran may have got his records from one, and Brady from another of these collections. If we look on Hubert Iseranen and Gabriel de

<sup>1</sup> Brady, *Episcopal Succession*, Vol. ii. p. 198.

<sup>2</sup> Ware.

<sup>3</sup> Brady, *ibid.*, Vol. ii., Pref. p. viii.

Sevo as one and the same, and equiparate Wilhelmus Magne, Canon of Dromore, with Ludovicus the elected of Gaudatensis, the succession would be intelligible.

Bernard O'Donnell was a Franciscan, and after an episcopate of only a few months, passed to his reward. He was succeeded in 1542 by Bernard O'Higgins, of the Order of St. Augustine. De Burgo puts him down as a Dominican, but the contemporary Consistorial Record is :—

1542, June 3, May 5. Bernard O'Higgins. Die 5 Maii, 1542, referente Rmo. Parisio: S.D.N. providit ecclesiae Elphinen. in Hib. vacanti per obitum quondam Bernardi, extra Curiam defuncti, de persona fratris Bernardi Ykigin presbyteri ordinis Heremitarum Sancti Augustini cum absolutione. Barberini.<sup>1</sup>

Herera, too, reckons him among the Augustinian bishops. In his *Alphabetum Augustinianum*,<sup>2</sup> he writes: 'Bernard O'Higgins from Ireland, was appointed by Pope Paul III on the 5th of May, 1542, to the see of Elphin, vacant by the death of Bernard O'Donnell.' The General of the Order, Fr. Seripandus, appointed him on the 10th of April, before his consecration, Vicar-General of the Order in Ireland for six months, which appointment was renewed after his consecration on the 7th of September the same year, that thus he might preside at the general chapter of the Irish province, where the Order was now reduced to seven houses, and stood in great need of his paternal fostering care. Dr. O'Higgins departed this life in 1563, as we learn from Peter Calvus, the Dominican, and other witnesses, in the monastery of Villavittosa, in Portugal, where he had taken refuge from the fury of the Anglican persecution. However, in the register of the Generals of the Order, mention is made of this prelate as still living on the 12th August in that year. Hence Paul Harris and Cotton are mistaken in conjecturing that O'Higgins died in 1552. Ware, who also says that he was a Dominican, merely writes: 'Bernard O'Higgin, a Dominican, provided by the Pope, succeeded. He lived in 1552, but how long after I do not find.' Two years after his

<sup>1</sup> Brady, *ibid.*, p. 151.

<sup>2</sup> Page 108.

appointment Dr. O'Higgins was obliged to surrender the temporalities of his see into the hands of a schismatical nominee of Henry VIII, and seek safety in flight. We learn from the Consistorial Acts that on the 20th of February, 1545, the administration of Elphin was given for six months to John O'Heyne, a Canon of Elphin, and then Bishop of the united sees of Cork and Cloyne, who was also prevented from taking possession of his see, and hence on 25th February, 1545, he received the administration of his native diocese. The Consistorial Record is :—

Die 20 Feb. S. Sanctitas providit Ecclesiae Elphinensi de persona Joannis Episcopi Corcagensis et Clunensis (*sic*), qui regiminis et administrationis Corcagensis et Clunensis Ecclesiarum invicem unitarum possessionem eo quod a schismaticis et iis qui a Catholica fide defecerunt occupatae detinentur assequi non potuit, nec de proximo assequi speret : ita quod, propter hoc eisdem Corcagensi et Clunensi Ecclesiis pracesse non desinat sed tam Elphinensi quam Corcagensi et Clunensi Ecclesiis hujusmodi ad sex menses a die habitae per eum pacificae possessionis seu quasi regiminis etc. (*sic*).

On the death of the schismatical Crown nominee, Dr. O'Higgins returned to Elphin in 1547-8, and governed his see till 1561, when he resigned. He died, as we have seen, in the convent of his order in Villavittiosa in Portugal, about 1563. We see that in these papal provisions, Conat O'Sheil, appointed by Henry VIII in 1544, and Roland de Burgo, schismatically given the administration of Elphin, are ignored.

Canon Lawlor says<sup>1</sup> : ' It seems that there were occasionally three rival bishops in this see (Elphin) at one time. Thus Bernard O'Higgin was provided in 1542, and yet in February, 1545, ignoring this appointment, the Pope provided John O'Heyne.' We see clearly that there was then only one true Bishop of Elphin, viz., Bernard O'Higgins. He was driven from his diocese by the Protestant usurpers. The Pope appointed John O'Heyne, a native of Elphin, but then Bishop of Cork and Cloyne, to administer Elphin for six months, remaining Bishop of Cork and Cloyne.

<sup>1</sup> Page. 31.

The other so-called State bishop, O'Sheil, intruded by Henry VIII, was rejected by the canons and people of Elphin.

Andrew O'Crean, of the Order of St. Dominick, Prior of Sligo, succeeded Bishop O'Higgins. He was Bishop of Elphin from 1561 to 1594. Father David Wolf, S.J., who was at this time Apostolic Delegate in Ireland, wrote to the Holy See on the occasion :—

Bernard O'Huyghin, Bishop of Elphin, has resigned his bishopric in favour of a Dominican Father, the prior of Sligo, named Andrew Crean, a man of piety and sanctity, who is, moreover, held in great esteem by the laity, not so much for his learning, as for his amiability and holiness. The said Bernard was a good and religious man as far as regarded himself, but he was not acceptable to the people, and seeing that he was fast losing the temporalities of the see through the dislike which the laity had conceived for him, he chose Father Andrew, who is beloved by everyone, that thus all that was lost might be regained. This Father now proceeds to Rome, with the permission of his Provincial, to obtain that see, bearing with him the resignation of Dr. O'Higgins. He asked me for testimonial letters; and though personally I know but little about him, I can attest the fame for virtue which he enjoys throughout the whole island.

The Consistorial Acts show that O'Crean was appointed Bishop of Elphin on the 28th of January, 1562 :—

1562, January 28. Andrew O'Crean. Die 28 Januarii 1562, referente Joanne Hierinymo Card. Morono, providit ecclesiae Elphinen. in Hib. provinciae Tuamen, regionis Conatiae, vac. per liberam resignationem Reverendi Domni Ohuyghum (O'Higgin), ord. Sti Augustini, Professoris, de persona Domni Andreae Ycrean Hiberni, ord. Praed. Professoris, quem R. P. David presbyter Societatis Jesu in Hib. commorans per suas literas commendavit. Absolvens etc. Vatican. Corsini and Paris Latin 12559.<sup>1</sup>

The family of Dr. O'Crean were merchants in Sligo. He is called Andreas Xerea by De Burgo. Dr. John Lynch, in his manuscript history *De Praesulibus Hiberniae*, gives

<sup>1</sup> Brady, *Episcopal Succession*.

the following interesting account of this Bishop of Elphin :—

On the resignation of Bernard O'Higgin the episcopate of Elphin devolved on Andrew O'Crean, of the Order of Preachers, a native of Sligo, who was appointed to the see on 28th of January, 1564. The Bishop, together with Raymond O'Gallagher, of Killala, and Eugene O'Hart, of Achonry, received in 1566, in the name of the province of Tuam, the Council of Trent in its integrity. This Andrew O'Crean obtained the degree of Magister in Theology, and accompanied to the Continent Eugene O'Hart, who was chosen by the clergy their procurator at the Council of Trent, and was postulated by them for the see of Achonry. Andrew, however, got ill in France, and was unable to proceed any farther, and subsequently, was elevated to the see of Elphin, in which diocese he was for some time allowed to discharge his sacred duties without great annoyance, till being summoned to take the oath of the Queen's supremacy, he declared he would never defile himself by such a sacrilegious oath ; he was then deprived of his see, which was given in 1584 to an apostate religious, who had consented to take the oath of supremacy. Being now exposed to constant vexations, Andrew betook himself to the convent of Sligo, where he lived privately with the religious, strenuously at the same time maintaining the Catholic cause. He erected in the public square of the town of Sligo a marble cross which was commonly called Liaghan-Espuig, or The Bishop's Monument. Such, too, was his devotion to the eleven thousand virgins, that in their honour he recited every year eleven thousand Our Fathers and the same number of Hail Marys. He closed his life in 1594, amidst the same religious who, through the influence of Daniel Mor (Magnus) O'Connor of Sligo, enjoyed a comparative tranquillity. For the chieftain was regarded with such favour by the Queen, that when he refused the diploma of Earl, she granted him the title of The O'Connor Sligo ; subsequently, in the tenth year of Elizabeth, an order was issued prohibiting the destruction of the monastery of Sligo : and, moreover, it was the custom that those who were ordained during Mary's reign should not be compelled to change their habit or expatriate. Hence Andrew was enabled to remain within the limits of his diocese and in the monastery of Sligo.

The *Annals of Loch Cé* have these entries : at A.D. 1582, the bishopric of Elphin was given to Andrew O'Craidhen (O'Crean) by the Council of Ireland in Dublin ; at A.D.

1584, John, son of James Lynch, was made Bishop of Elphin that year, and Andrew O'Craidhen (O'Crian) was set aside. From these entries it may be safely concluded that the Irish Council of Elizabeth appointed O'Crian Bishop of Elphin in the hope that he would accept it and conform. As the bishop disdained to send a reply, the Council had no option but to nominate Chester, whose name sufficiently proves his nationality, and after him the native renegade Lynch. Thus we see that to the close of his life Bishop O'Crian continued the faithful shepherd of the persecuted flock committed to his care. He held no communication with the officials of the English Government, did not recognize their appointment, and hence as the *Annals* record he was set aside, that is by the State authorities.

Dr. O'Crian's successor was Demetrius O'Healy, of the Order of St. Francis, whom Dr. Eugene Matthews, Archbishop of Dublin, when commemorating the prelates who flourished in his own time, expressly reckons among the martyrs of the Church: 'Father Demetrius Healy, regularis observantiae Sancti Francisci, Episcopus Elphinensis et Martyr.'<sup>1</sup> The Consistorial Acts preserve the name of another Bishop of Elphin who died a martyr for the faith. It is there recorded:—

Die 9 Junii, 1625: referente Cardinali Francisco Barberini, Hiberniae Proctore, Sua Sanctitas providit Ecclesiae Elphinensi vacanti per obitum bonae memoriae Raymundi Galvirii ab hereticis pro Christi fide occisi de persona Rev. Boetii Egan Presbyteri Tuamensis, ordinis minorum S. Francisci de Observantia.

It was probably towards the close of Elizabeth's reign, or the beginning of that of James I, that this bishop was crowned with martyrdom, for in 1613 we find that Elphin was administered by a Vicar-General named Owen Mac-Brien, appointed by the Archbishop of Cashel, while in the month of August, 1620, Father Nicholas a Sancto Patritio (Father Nicholas of St. Patrick, O.S.A.), Provincial

<sup>1</sup> Card. Moran, *Archbishops of Dublin*, p. 290.

of the Austin Friars of Ireland, was Vicar Apostolic of Elphin, and signed many documents as such. Some writers state erroneously that he was a Carmelite. He seems to have retained the office till the appointment of Boetius Egan in 1525. The brief of Father Nicholas's appointment is preserved in the Archiv. Secret. Brevium, Rome.<sup>1</sup> Boetius Egan, whose name is inscribed on the original copy of the *Four Masters*, was consecrated Bishop of Elphin at Drogheda, by the Most Rev. Thomas Fleming, Archbishop of Dublin. In the Calendar of State Papers, there is a letter from J. Boethius Elphyn to General Preston (January 8, 1647). Thence to the present time the succession of bishops of the diocese is clear.

In his list of the Reformation Bishops of Elphin, Dean Burke gives only Roland Burke, Thomas Chester, the superseded Andrew Craiden (O'Craen), and John Fitzjames Lynch. Canon Lawlor, indeed, mentions Bishop O'Higgins; but he gives Roland Burke as Bishop of Elphin from 1551, while O'Higgins, the true bishop, governed the diocese. Thus they ignore the true and canonically-appointed bishops, recognized as such by all the Catholics of the diocese; and enumerate as the bishops of Elphin State-appointed prelates, who had just as much authority in spirituals as the Lord Deputy St. Leger and the other legal officials of Henry, Edward, and Elizabeth in Ireland. Neither do they mention the first State-made bishop, Conat O'Siaghail, or O'Sheil.

When Henry VIII (1510-1547) ascended the throne, Dr. George Brann was Bishop of Elphin. In 1534, when he severed England from the Catholic Church, abolished the spiritual authority of the Pope, and constituted himself, by Act of Parliament, the only source of spiritual jurisdiction, and supreme head of the Church, Dr. John Max was bishop of the see. In 1536-7, Henry's packed Parliament in Dublin copied these English acts; but no attempt was made to intrude a State-made prelate into Elphin till 1543-4. Then, judging from the case of O'Craen,

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<sup>1</sup> Card. Moran's *Spicilegium Ossor.*, p. 1128.

O'Higgins (1542-1561), the canonically-appointed bishop, was asked to acknowledge the spiritual supremacy of Henry and refused. Measures were then taken to oust the true bishop, Dr. O'Higgins, and to put in a legal or English law-made prelate. On the 29th of August, 1541, we find St. Leger recommending O'Donnell's chaplain, Con O'Sheil (Conat O'Siaghail), to the king for the see of Elphin.<sup>1</sup> He describes him as a right sober young man, well learned, who hath been brought up in France. He was Abbot of Assadara (now Ballysadare), and Prior of the house of the Canons Regular of Aughris, Co. Sligo. It was probably intended to curry favour with O'Donnell by making his chaplain bishop. The king replied promising to nominate O'Sheil.<sup>2</sup> The appointment was, however, delayed a long time; and in 1543 (June 5), the Lord Deputy and Council of Ireland wrote to the English Privy Council that the bishopric of Elphin, which had been promised to O'Donnell's chaplain, was not yet granted.<sup>3</sup> Finally, on the 23rd of March, 1544, the king approved of the appointment of O'Sheil, and issued his *congé d'élire* to the dean and chapter of Elphin;<sup>4</sup> but they refused to elect the schismatical nominee, and Henry was obliged to appoint O'Siaghail Bishop of Elphin by his own authority. It was no wonder that the Chapter of Elphin should refuse to elect O'Siaghail for they had then a canonically-appointed bishop governing their see, who though sacrilegiously dispossessed of its temporalities at the time, in favour of the Crown nominee, was regarded by all Catholics as the true and only Bishop of Elphin. In Dr. Mant's *History of the Church of Ireland* he writes:—

And with respect to Elphin, King Henry VIII sent his *congé d'élire* to the dean and chapter of that cathedral to choose Conatius O'Shyagal bishop. But they refused to comply with the King's mandate, and he directed a writ to Christopher (Bodkin), Archbishop of Tuam to admit, institute, consecrate, and invest him therein. That he complied with the royal mandate is nowhere stated.

<sup>1</sup> *Cal. State Papers*, p. 60.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 67.

<sup>4</sup> *Ibid.*

Archdall says that 'Conat O'Siagal was Prior of Akeras (Aughris), Abbot of Ballysadare, and chaplain to O'Donnell, and on the 23rd of March, 1544, he was consecrated Bishop of Elphin.' He gives as his authority Ware (*Bishops*, p. 633); but Ware merely says, 'Conatius Abbot of Assadara and Chaplain to Magnus or Magonius O'Donnell, was provided Bishop of Elphin by King Henry VIII in 1544.' Cardinal Moran says it is doubtful whether he was ever consecrated bishop, as even Protestant writers admit that it is probable that during the few years that he survived he was content with the enjoyment of the temporalities of the see. A circumstance which lends additional probability to this is that in 1544 O'Donnell was in disfavour with the Government, and in 1545 his castle was assaulted by the English.<sup>1</sup> It was not until June 4, 1545, that Lady Eleanor FitzGerald, wife of O'Donnell, was pardoned by Henry VIII, and the bill for her pardon was only signed on August 11, 1545.<sup>2</sup> Probably O'Donnell's chaplain shared his disfavour, and there is no record in existence of the ceremony of his consecration having taken place. It was at this time that O'Heyne, Bishop of Cork and Cloyne, was appointed temporary administrator of Elphin. O'Siaghail died about 1547-8, when Dr. O'Higgins returned to his diocese.

Canon Hugh Jackson Lawlor and Dean Burke rely on Roland de Burgo as having transmitted the apostolic succession to the State-established reformed Church in Elphin. Roland de Burgo was never canonical Bishop of Elphin. He is not enumerated as Bishop of Elphin in any of the Papal Registers or Consistorial Acts, by Archdeacon Lynch or any Catholic writer of the time. As intruded Bishop of Elphin he had no spiritual jurisdiction or authority. His appointment by the civil power, which is not the source of spiritual jurisdiction, was not valid or legitimate.

Roland de Burgo or Burke was appointed to the see of Clonfert by Clement VII in 1534. So far was he then from being a reformed or reforming prelate that he expelled

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<sup>1</sup> *Cal. State Papers*, p. 71.

<sup>2</sup> *Ibid.*, p. 72.

the king's nominee, Richard de Angulo or Nangle, appointed by Henry in 1536. He was uncle of the Catholic Earl of Clanrickard, and was a man of great influence in those parts, which he used to repress the efforts of the reformers in Clonfert. Richard Nangle, O.S.A., was Prior of Galway in 1509, and was the last of pre-Reformation provincials of the Austin Friars of Ireland.<sup>1</sup> Nangle was consecrated Bishop of Clonfert by the Protestant Archbishop Browne in 1536. He was expelled by De Burgo, as is stated in a letter from Cowley to Cromwell, dated July 19, 1538, 'When the King's Majesty preferred Dr. Nangle to the bishopric of Clonfert, one Roland Burke purchased bulls from the Bishop of Rome, whereby he expelled the King's presentee.'<sup>2</sup> Browne writes to Cromwell, February 16, 1539, that he had put 'Dr. Nangle, his suffragan, on the commission of Ecclesiastical Causes, who is well able to set forth the word of God in the Irish tongue, though expelled from his see.'

A Rome runner came in by provision, and is supported by MacWilliam; but, he complains, the Lord Deputy, being friendly to MacWilliam, will give no redress to Bishop Nangle.<sup>3</sup> Nangle resigned in 1541 in favour of Roland de Burgo, and on May 1, 1542, was presented by Henry VIII to the rectory of Ardrahan.<sup>4</sup> He died in January, 1543, and was succeeded as Rector of Ardrahan by Thomas O'Hernan, February 4, 1543.<sup>5</sup> A warrant was issued by Henry, dated York, September 23, 1541, granting the see of Clonfert to Roland de Burgo. He was confirmed in same with the Austin Abbey de Portu Puro,<sup>6</sup> on November 24, 1543. In 1552, De Burgo obtained possession of the see of Elphin in commendam from Edward VI under a royal letter of November 23, 1551.<sup>7</sup> He thus schismatically usurped possession of the

<sup>1</sup> Hardiman: see also Battersby's *History of the Augustinian Abbeys in Ireland* (1856).

<sup>2</sup> *State Papers of Henry VIII*, Vol. iii. p. 50.

<sup>3</sup> *Ibid.*, Vol. iii. p. 122.

<sup>4</sup> *Piants of Henry VIII*; also *Cal. Pap. Reg.* 96.

<sup>5</sup> *Piants of Henry VIII*, p. 66.

<sup>6</sup> *Ibid.*, p. 69.

<sup>7</sup> *Piants of Edward VI*, p. 987.

see of Elphin while the canonically-appointed bishop, Dr. O'Higgins, was suffering persecution from the English Government. For this conduct Roland sought and obtained pardon in the reign of Queen Mary, and he afterwards confined his episcopal care to his own diocese of Clonfert, in which he was confirmed by the Queen, the temporalities of Elphin being restored to the true bishop, Dr. Bernard O'Higgins. 'Cui Bernardo (O'Higgins),' writes Archdeacon Lynch, 'Maria Regina Episcopatum illum (Elphinensem) restituisse, et Cluanfert. Rolando non ademisse videtur, quod schismati nuntium remiserit.' He also says that Roland had gone to Rome to obtain absolution from the censure which he had incurred by the death of the Rector of Loughrea. But Dean Burke says that he sat in Elizabeth's first parliament among the spiritual peers as Rolandus Clonfert. et Elphin. episcopus, which seems to show that in 1560 he still claimed to be Bishop of Elphin.

I hold that we have in this improper description of the Bishop of Clonfert an additional argument against the genuineness of this roll. The register is taken from the Irish Archæological Society's Tracts, Vol. ii. p. 135. Two of the Catholic bishops, whose names are on this roll, Walsh of Meath and Leverous of Kildare, resisted every religious change, as is admitted by all. Clearly they never supported the abolition of the Papal authority and Catholic worship in this country. It contains the name of a bishop who was not confirmed by Elizabeth for two years after the date of this parliament—Rogerus Corcagensis et Clon., episcopus. This was Skiddy, the *congé d'élire* for whose election, directed to the dean and chapter, is only dated July 31, 1562; and an original memorial in the State Paper Office, represents the see of Cork as still void on 3rd July, 1562. One of the temporal peers who is supposed to have signed this roll was actually dead when this parliament was held. The thirteenth name on the list is Richardus Nugent miles, baro de Delvyn. This is Richard Nugent, eighth Baron of Delvin who, as was found by *post mortem* inquisition, died on the 10th of December, 1559. The heading on the roll

states that this parliament sat on the 11th of January, 1560. His eldest son and successor was Christopher, who was only fifteen years old at his father's death, and consequently could not sit as a peer. The absence of the names of the last six bishops shows us that the bishops themselves never signed this roll—*Episcopus Rossensis*, *Episcopus Laonensis*, etc., etc. We thus see the fraudulent character of this famous roll, and that no argument can be drawn from it that Roland de Burgo had lapsed into schism in the reign of Elizabeth. On the contrary there are many proofs of his fidelity from his reconciliation to Rome by Cardinal Pole to the end of his life. Thus when it was proposed to erect a university in the middle of the realm of Ireland, and the town of Clonfert was selected for that purpose, Queen Elizabeth suggested that the bishoprics of Clonfert and Elphin might be assigned to the university for the maintainance of learned men there.<sup>1</sup> Now we know that De Burgo lived till 1580, and therefore the Queen did not recognize him as bishop in 1579. In the Simancas transcripts in the British Museum are contained the names of those who, in the petition of the Irish chieftains of 1569, were described as favourable to the Spanish monarch and adverse to the reformed creed. Amongst them are Bodkin of Tuam and De Burgo of Clonfert, there being no mention of Elphin. Again the *Four Masters* record De Burgo's death as Bishop of Clonfert only, and in words which the Franciscan annalists would never use in speaking of a bishop dying in schism and apostacy from the Catholic faith: 'Roland, the son of Redmond, son of Ulick of Knocktua, Bishop of Clonfert, died, and the loss of this good man was the cause of great lamentation in his own country.'

Dr. O'Crean, who as we have seen, was appointed Bishop of Elphin in 1562, seems to have been allowed to govern his diocese in peace by the English Government till 1583, when refusing to take the oath of supremacy he was deposed by the Lord Deputy St. Leger, and Thomas

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<sup>1</sup> *Morrin's Calendar*, ii. p. 22.

Chester was chosen to fill the see. Ware says : ' Thomas Chester his (De Burgo's) successor, was born in London, and died at Killiathan in June, 1584.' Cotton says he was the son of William Chester, afterwards Lord Mayor of London, and succeeded in 1580. Killiathan, where he is said to have died, is, probably, Killian or Killyan, barony of Killian, Co. Galway. The date, 1580, given by Cotton for his appointment is incorrect ; for on May 25, 1582, Sir Nicholas Malby writes to Walsingham recommending that Thomas Chester's name be inserted in the Queen's warrant for the bishopric of Elphin ;<sup>1</sup> and on the 3rd of December of the same year Malby again writes to Walsingham recommending Thomas Chester to be Bishop of Elphin.<sup>2</sup> Probably, therefore, Chester did get the temporalities of the see ; but there is no record or proof that he was ever consecrated bishop : in fact there is reason to believe that he remained a layman. His name appears four times in four places in the Calendars of State Papers as a layman, and I cannot find any record that he ever was ordained or consecrated. In the Fiant of Elizabeth, under the date, April 20, 1578, Thomas Chester is described as ' gentleman of St. John's, Loughrea.'

On the death of Chester in 1584, the Council at length found a native renegade in the person of Lynch. John Fitzjames Lynch was born in Galway and educated at Oxford where he graduated Bachelor of Laws. On the recommendation of the Protestant Archbishop of Dublin and Sir Henry Wallop, the Queen issued her royal mandate for his consecration. As Dr. O'Crean was then the true canonically-appointed Bishop of Elphin, Lynch can be regarded only as an intruder and usurper. What the Catholics of Elphin thought of him is strikingly shown by the following extract from the *Annals of Loch Cé*, which Dean Burke, though he had the volume under his hand, did not see fit to quote :—

A.D. 1588. There was a wicked heretical bishop in Elphin and God did great miracles on him. And the place of his resi-

<sup>1</sup> *Cal. State Papers*, p. 369.

<sup>2</sup> *Ibid.*, p. 415.

dence was in the Grange of the Machaire-riabhach,<sup>1</sup> and a shower of snow was shed on him and not larger was a wild apple than each stone of it, and there was not left a grain in his town. And it was with shovels that snow was put from the houses and in the middle month of Summer (June).

The Irish phraseology—there was a heretical bishop in Elphin—implies there was likewise a Catholic bishop (O'Crean) of the diocese; the annalist deeming it superfluous to give his name.

On the 10th of July, 1584, a commission was issued to John Lynch, Bishop of Elphin, as one of the Queen's commissioners in the province of Connaught.<sup>2</sup> In March, 1587, it is stated that the monastery of friars of Elphin and one-eighth of a quarter of land adjoining with the tithes were in the occupation of John Lynch, Bishop of Elphin.<sup>3</sup> It is said that he resided in the Franciscan Friary, of which he got a lease in 1584, for some time. However, we find that John Belling was confirmed in his lease of the friary of Elphin, on March 3, 1591,<sup>4</sup> when Lynch must have gone to live at Grange. In 1585, a commission was given by Perrot to John Lynch, Bishop of Elphin, regarding the death of the late Sir N. Malby.<sup>5</sup> On the 14th of May, 1597, a commission was issued to John Lynch, Bishop of Elphin. Harris says that by alienations, fee-farm grants and other means, he left the see not worth two hundred marks a year. He further adds, 'It is said he (John Lynch) lived a concealed and died a public Papist.'<sup>6</sup> This tradition mentioned by Harris that he became reconciled to the Church before his death must have been well authenticated,

<sup>1</sup> This place is identified by Dr. O'Rourke in his *History of Sligo* (Vol. i., p. 278) as 'Grange in Maherow,' Co. Sligo; but Maherow, Co. Sligo, barony of Carbery, is written by the Four Masters, Machaire-Eabha (Vol. i., p. 10), not Machaire-riabhach (Grey Plain). In the State Papers this is written Grange-Maherevach. It was part of the lands of Abbey Knockmoy, Co. Galway, and in the 27th of Queen Elizabeth among the possessions of the Abbey were found to be 'the four quarters of Grange-Maghery-Reogh, and the townland of Clogh Lynch, in the Co. of Galway.' Here was the residence of Lynch, who was buried in the Church of St. Nicholas, Galway.

<sup>2</sup> Fiants No. 4490.

<sup>3</sup> Fiants of Elizabeth No. 5151 and Fiants No. 5529.

<sup>4</sup> *Cal. State Papers*, Vol. ii., p. 559.

<sup>5</sup> Fiants No. 6090.

<sup>6</sup> Insertion by Harris, Ware's *Bishops*, p. 634.

else Harris would never have introduced it into the text. He voluntarily resigned the see of Elphin, on the 19th of August, 1611. He was buried in the church of St. Nicholas, Galway.

With regard to the further statement of Dean Burke that Bodkin and Mullally, reformed Archbishops of Tuam at that time, took care of the succession in Elphin: Christopher Bodkin was canonically consecrated Archbishop of Kilmacduagh, at Marseilles, on November 4, 1533 or 4.<sup>1</sup> He was schismatically appointed Archbishop of Tuam by Henry VIII, on February 16, 1536.<sup>2</sup> This appointment was not recognized by the Holy See, as the canonically-appointed archbishop, Dr. Arthur O'Frighi, was living till after 1572. The following extract from a letter of David Wolfe, S.J., the Papal Legate in Ireland at that time, dated Limerick, October 19, 1561, shows us that Bodkin was true to the old faith in Elizabeth's reign:—

Dr. Botteghin (Bodkin) would seem to me much better suited to the government of the diocese than Dr. Arthur (Frighi); for he is skilled in administration and has great influence with the gentry of the district. In fact the church of Tuam was for years used as a fortress by the gentry, without the Holy Sacrifice or the Divine Office, till he took it by force out of their hands, with great risk to his own life; so that where formerly horses and other animals were kept, now Mass is celebrated, and he himself usually assists in choir every day.

Father Peter Wall, Archdeacon of Kilmacduagh, in evidence given by him at an investigation held in Limerick in 1555, says of Bodkin:—

Notwithstanding his schismatical appointment, he remained devoted to the Catholic faith. On his submission to the Holy See, he was allowed by Cardinal Pole to continue in the administration of the temporalities of the see of Tuam with the right of succession on the demise of Dr. O'Frighi. He was one of the prelates whose names were sent to the King of Spain in 1609, as true to the Catholic Faith and loyal to the Holy See. Such a bishop recommended by the Pope's Nuncio as the fittest person to succeed to the metropolitan see, was not a reformed

<sup>1</sup> Ware's *Bishops*, p. 615.

<sup>2</sup> *Ibid.*

prelate, and would never impose hands on a renegade or apostate. Lally or O'Mullally was appointed Archbishop of Tuam by Queen Elizabeth, April 14th, 1572. In 1591, Lally, Archbishop of Tuam, is described by Henry Malby as a Romish Bishop.<sup>1</sup> On August 19th, 1594, he resigned the archdiocese of Tuam, and died in 1595. Of him as of his Coadjutor and successor Donnelan, who also resigned before his death, it is said he died a Papist.<sup>2</sup>

Canon Lawlor repeats the oft-refuted falsehood that the Irish episcopate as a body accepted the Reformation under Elizabeth. I have shown the entire falsehood of this statement with regard to the canonically-appointed Bishops of Elphin. For the rest it will be sufficient to quote the words of Froude, whose testimony on this question cannot be suspected :—

I have examined, I believe thoroughly [he writes to Dr. Brady], all the Irish State Papers in the Record Office during and from the time of Henry the Eighth to 1574, and it is from them, in connection with the voluminous manuscripts in Spain on the same subject, that I draw my conclusion respecting the supposed conversion of the Irish bishops and clergy to the Reformation. *I am thoroughly convinced that (with the exception of the Archbishop of Dublin) not one of Queen Mary's bishops nor any one of the clergy beyond the Pale went over to the Reformation.* Of the clergy scarcely any within the Pale went over. The English government, as their power extended, appointed new bishops to the Irish sees, but it was not till late in the reign of Elizabeth that this was done.<sup>3</sup>

And he characterises the assertion, repeated now by Canon Lawlor, that the majority of the Marian bishops conformed under Elizabeth as 'the most impudent falsehood in all history.'<sup>4</sup>

Dean Burke says that the episcopal succession has been handed down to the present Protestant Bishop of Elphin, and that the unbroken succession to the old church of Elphin diocese is his. The late Pope Leo X has solemnly pronounced the form for conferring orders used in the

<sup>1</sup> *Cal. State Papers*, Vol. vi. p. 450.

<sup>2</sup> Hogan, *Distinguished Irishmen*, p. 429.

<sup>3</sup> Brady, *Conversion of the Irish Bishops*, pp. 34, 35.

<sup>4</sup> *Ibid.* Preface, vi.

Protestant Church, the Anglican Church, wholly invalid. We have seen that Cotton, Ware, Harris, Dean Burke, Canon Lawlor, etc., give us a list of so-called Bishops of Elphin, who were merely English law-made bishops, intruders into the see, which, as I have shown, was canonically filled when they were appointed. Who consecrated O'Sheil, or Chester, or Lynch? Ware, Cotton, Harris, are silent as to the consecration of any of them. There is no proof that Roland de Burgo or Bodkin acted the part of consecrating prelate for any of them.

Dr. W. Maziere Brady, then Vicar of Downpatrick and Rector of Kilberry, in the Protestant Church, published in 1866, a pamphlet on this subject, in which he writes :—

Not one of Queen Mary's prelates, except Hugh Curwin, can be proved to have had any part in the consecration of an Elizabethan bishop. Indeed Ussher, Ware, and Harris, although fully alive to the importance of such a discovery, were unable even to name a single Irish bishop who could be said to have assisted Curwin, and to have thus transmitted a dubious claim to the Irish succession. The name of Curwin, and of Curwin alone, appears in the consecration records of the bishops whom Elizabeth appointed during the eight first years of her reign. Curwin himself was consecrated in London by Bishop Bonner, and thus the episcopal succession of the reformed Church in Ireland must be traced to an English source and not to the ancient Irish or Anglo-Irish episcopate. It is also a fact of some significance that of the twenty-five Irish bishops in 1558, all were of Irish birth, except Hugh Curwin, and not one of them, except Curwin, can be proved to have embraced the Reformation or joined in the consecration of a bishop appointed by Elizabeth. As Curwin was English by consecration and birth, the present episcopate of the reformed Anglican Church in Ireland cannot be now connected, as far as consecration is concerned, with the pre-Reformation Irish hierarchy.<sup>1</sup>

Canon Jackson Lawlor says : ' The facts as to the episcopal succession in Elphin are instructive.'<sup>2</sup> Yes, truly, for

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<sup>1</sup> *The Alleged Conversion of the Irish Bishops, etc.*, by W. Maziere Brady, D.D., pp. 35, 36.

<sup>2</sup> *The Reformation and the Irish Episcopate*, p. 31.

these facts prove that during these disastrous days there was an unflinching series of canonically-appointed bishops deriving their appointment, authority and jurisdiction from the Vicar of Christ, the centre of unity, and the true and only source of spiritual power and jurisdiction, ruling this ancient diocese. They were faithful dispensers of the Divine Mysteries, like George Brann and John Max : confessors true to the Catholic faith and the See of Peter, through years of persecution and exile, like O'Higgins and O'Crean : martyrs sealing their testimony with their blood, like O'Healy and Galvirius. The investigation of these facts shows us, too, what manner of men were the law-made prelates of the new heads of the Church, Henry VIII, Edward VI, and Elizabeth, without legitimate mission, authority, or jurisdiction, mere State officials having only the temporalities of the see, without respect or acknowledgment from the faithful people of Elphin, like O'Sheil, Chester and Lynch. Thus, though during these times of persecution, the episcopal see of Elphin with its temporalities was sacrilegiously and unjustly seized by these Crown nominees, supported by the power of the English Government, Elphin had always its bishops and pastors, its confessors and martyrs, devoted members of the Catholic Church, handing down to us in unbroken succession the faith, the orders and the practice of the ancient Church of St. Patrick.

J. J. KELLY.

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## DIVINE MORALITY IN THE OLD TESTAMENT

**A**MONG the many arguments that are nowadays so often brought up against the divine character of the Sacred Scriptures, there appeared, not long ago, in the *Hibbert Journal* (October, 1905), an article entitled 'The Moral Argument against the Inspiration of the Old Testament,' by Professor A. H. Keane. In this article, the ground on which the author's objection to scriptural inspiration—at least in the Old Testament—is based, is the fact that, in it, are to be found many passages in which a standard of morality is ascribed to God far below that which seems conformable to His character, as it is conceived by Christian thought. From a study of certain texts exemplifying this, which he quotes in his article, Professor Keane comes to the conclusion that they are 'immeasurably more damaging to the theory of inspiration than the sum of all other arguments raised by sceptics against that theory as a whole.'<sup>1</sup> In this paper the writer ventures to offer a criticism of the arguments adduced by Professor Keane in support of his thesis. Its object is not so much to answer the argument—to take up the challenge thrown down before those who believe in the sacred character of the Bible as a whole—as to examine its validity, to show if possible whether the construction put upon the texts that are quoted, by Professor Keane, is in reality the only one tenable.

The time for an answer, strictly so-called, has gone by, and as a matter of fact a short answer appeared in the following number of the journal.<sup>2</sup> However, the question still remains practically unanswered, at least in detail, and so the following is offered as an attempt to analyse the matter more closely, in order to vindicate, as far as can be done, the inspiration of the sacred text. In order to do this, each text is taken in the order followed by Professor Keane in his article, and the arguments deduced

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<sup>1</sup> *Hibbert Journal*, Oct., 1905, p. 148.

<sup>2</sup> See *Hibbert Journal*, Jan. 1906, p. 430.

from them are, as far as possible, given in his own words, the text of the 'Revised Version' of the Bible being used for the various passages that are quoted.<sup>1</sup>

As to the usual objections brought against inspiration, the Professor fully admits that these can be, to a great extent, overcome; but he maintains that the character given to God by the Hebrew writers in the texts he quotes, and in many others as well, forms an unanswerable objection, and that, in order to save the reality of Biblical inspiration, these texts cannot be regarded as inspired, and must be unhesitatingly rejected.

That God is not bound by those laws of Nature of which He is Himself the founder is admitted, but it is urged that the laws of Morality, the Ethical Code, seems to stand on a different plane altogether, and that with these, from the very nature of the case, the right to interfere seems barred even to the founder. For God to act in opposition to His own laws of morality seems to imply a contradiction in terms, since He is morality itself and cannot contradict His own nature. All this sounds very true and plausible. It is quite clear that God cannot act in opposition to the moral law as such, but the question is who is the best judge of the moral law, God or man. Is man to dictate to God what is or is not in keeping with the moral law, and to judge His actions by a standard of his own?

God is the source from which all law, moral as well as natural, flows, and He who is morality itself binds man by a code in keeping with His own standard. The Ethical Code is not for God—He can be bound by no code of laws—it is for man, because as such he needs a rule to guide him in his relations with his Maker. It must be remembered that God's ways are not as our ways; we cannot presume to judge any of His actions. What may seem to us unjust or immoral, what would in fact be so considered in man, cannot be looked on in the same light in God, for we cannot see His motives, nor do we know what lies behind His actions. He whom we believe to

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<sup>1</sup> Of course the 'Revised Version' is used only for the sake of argument.—  
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be all-wise and all-knowing, must be allowed to be the best judge of His own actions. It might, however, be argued, while fully admitting what has been said, that it still seems hardly in keeping with the justice and character of God as a whole, that He should contravene His laws even in appearance, He who so constantly declares that He is a holy God and that He will have His people to be a holy people even as He is holy.

It is reasonable to expect that He should teach them by His own example, and not give them any pretext for justifying their own immoral conduct by appealing to His. To answer this it will be necessary to examine the texts which are objected to by Professor Keane, in order to see whether their meaning must necessarily imply a low moral character for the God of heaven and earth. Beforehand, however, it will be well to call to mind the fact so often ignored, even by Biblical critics, that the various writings which make up the Old Testament were written by Orientals, and for Orientals, and in ages now long past, and of a very different character to our own. The Scriptures, though written for all times, were meant primarily for contemporaries, and their sense has to be explained in a manner consonant with the ideas, the character of those contemporaries.

The first text which Professor Keane produces, as damaging to the existence of inspiration in the Old Testament, is Genesis iv. 4, 5 : ' And the Lord had respect unto Abel and to his offering : but unto Cain and to his offering He had not respect.' This text, it is asserted, gives the clue to the ' real character of Yahveh as conceived by the Hebrew writers,' the bloody sacrifice of Abel is preferred to the cereal oblation of Cain, and ' thus is struck the note of blood, the trail of which pervades all the early records,' which is conspicuous in the ' draconic code of Exodus and Leviticus,' and finds its fullest expression in the rites of Solomon's temple, where ' the trail becomes a sea of blood and the temple a veritable shambles.' Now, to those who believe in the redemption of mankind by the sacrifice of the Cross, this preference of Yahveh

for the sacrifices of blood will be no difficulty; for what were those sacrifices but types of that one great oblation in which the 'blood that speaks better things than the blood of Abel' flowed for the salvation of the world?

But in these pages we speak for those who use Scripture without knowing any such truths *a priori*, and for these many difficulties arise, as Professor Keane points out.

1. To take them in order, Professor Keane objects to the idea that the offering of Abel could have been more pleasing to God than that of Cain, and that the usual explanations are insufficient to show that it was. Why should it have been 'more excellent and suitable,' 'fuller' than Cain's? The sacrifice of Abel was in reality 'fuller,' *πλείονα* and contained more in it, for Cain's oblation merely expressed the homage due to a superior, a tribute of the fruits of the earth, such as was paid to earthly potentates by their subjects, while Abel's contained the further note of the reparation or atonement due to sin against God.

It is this note of atonement which so strongly dominates the so-called 'Draconic' Code of Exodus and Leviticus; the blood in which the soul or life of the victim is accepted by God as an atonement for the offerer and in the place of his own life. To state that the sacrifice of Abel was more acceptable than that of Cain is objected to as a mere gratuitous assertion; but it seems equally gratuitous to assume that there is no explanation possible why this should have been so. Such sacrifices were not acceptable to God in themselves, and because they were sacrifices of blood, they were acceptable on account of the dispositions with which they were offered, and because of the desire to atone for sin which they evidenced. The sacrificial system of the Mosaic Code is a testimony to the holiness, the justice, and the mercy of God: to His holiness, as showing forth the enormity of sin; to His justice, as exemplifying the need of satisfaction for sin, and to His mercy in the acceptance of the life of the victim in place of that of the sinner which had been forfeited.

2. As to the 'atrocities' of David and the 'savage

injunctions to extirpate the foes of Israel' given in Numbers, Deuteronomy, and elsewhere—with regard, first, to David, there is no need to attribute his cruelties to God. David acted in conformity with the manners and customs of his own times and of his own country, while it must ever be kept in mind that ideas of cruelty and injustice were then at an undeveloped stage, and even at the present day what would seem to be atrocious to the Western mind would be viewed with perfect equanimity by the Eastern.

As regards the injunctions alluded to, it was necessary that punishments should be of a drastic, and as it seems to us now, cruel character, in order to make a lasting impression on the people of the age, gross and material as they were in their ideas and savage and barbaric in their ways. Such subjects would not have understood or appreciated the mildness and leniency of a more civilized age. The foes of Israel too were the foes of Israel's God, the worshippers of gods hostile to Him. It was, therefore, to impress both Israelites and Gentiles with the holiness and the exclusive character of Yahveh the God of Israel, that those who rose up against His people and contemned Him by the worship of alien deities were punished in a way which to modern minds seems so savage and cruel. Moreover, God is the absolute master of life and death, and He exercises His right whenever one of His creatures is removed from this life. If, then, He chooses to use a human instrument for His purpose, we cannot complain of injustice.

In the next place, we have the passage in the same book of Genesis xxxi. 9-24: 'Thus God hath taken away the cattle of your father and given them to me . . . And God came to Laban the Syrian in a dream of the night, and said unto him: Take heed to thyself that thou speak not to Jacob either good or bad.' Here, according to Professor Keane, we have an example of Yahveh co-operating with and encouraging underhand practices, actively aiding Jacob in cheating Laban his father-in-law. Is it, in the first place, so certain that Jacob was cheating Laban, in acting as reported? Reason and theology

both find admissible such an action as occult compensation, delicate as is the practice, and dangerous to those who judge of its legitimacy in their own cause. It is justifiable only when due remuneration has been persistently refused, and seems otherwise hopeless. To apply the principle to the case before us, Laban had repeatedly defrauded Jacob of his just wages, and the latter had therefore a perfect right to compensate himself in the manner recorded, since in no other way could he have obtained his dues. In *v.q.* Jacob is said to ascribe to Yahveh what he had himself brought about, but to careful reading it is evident that Jacob, in thus speaking, merely meant to imply that the success of his plans was due to the favour of Yahveh, who as a just Lord would not allow His faithful servant to be defrauded, and not that He had actually interfered in the matter.

Of texts that are said to ascribe cunning and double-dealing to God, several others are now produced which reveal Him as a 'Capricious Deity.' In Malachias i. 2, 3, Yahveh is said to hate Esau and love Jacob, Jacob 'the trickster' is preferred to Esau 'the gentleman.' Then again in Romans ix. 15, St. Paul quotes the words of God in Exodus xxxiii. 19: 'I will have mercy on whom I will have mercy.' These texts seem to give a conception of God's character very different to that of those who 'would honour and worship a God of justice, of love, and of mercy.' But it must be allowed that in speaking of God, even in these days, a certain amount of anthropomorphic terminology must of necessity be employed. However deeply we may be convinced of the truth of God's immutability and transcendence over all human affections and passions, when speaking of ourselves, of sin, or of holiness in reference to Him, human analogies are in forced requisition.

When we say that God loves the just and hates the sinner, we know well enough that He does not love and hate in the human sense, but being human and having nothing but human language wherewith to express our ideas, we must to a certain extent anthropomorphise

when speaking of God's ways. If, then, this is necessary even for Christians, who have received the fullness of revelation, how much more so must it have been in those early days of crude ideas, and undeveloped capacity for grasping spiritual truths. But besides this, it appears not a little presumptuous to judge that God is capricious because He chooses to prefer one man to another, or declares that He has a right to deal with men as He wills. God is above all law and justice; we cannot judge His actions by our own ideas on such subjects, nor can we take upon ourselves to criticise His motives.

The next example of the degraded idea of God in the Old Testament is found in Exodus iii. 22 : 'And ye shall spoil the Egyptians.' This is apparently a direct command from God to rob the Egyptians of their belongings, a 'direct participation in theft.' This case is parallel with that of Jacob and Laban, and may be similarly explained. The Israelites were the chosen people of Yahveh, and had been unjustly enslaved and oppressed by the Egyptians, a nation hostile, both to them and to their God. The 'spoiling,' therefore, was justifiable on the ground of occult compensation. Apart even from this, it may be urged again that it is impossible to ascribe injustice to God from His favouring one people rather than another, or theft because He takes goods from one and gives them to another. God obviously has the right of disposing of all things as He pleases. It pleased Him to authorize the Israelites to 'spoil' the Egyptians, i.e., He transferred property from one owner to another.

The Professor says that the Egyptians groaned under the oppression of the Pharaohs quite as much as the Israelites. This is not to the point, for they were members of the nation of which the Pharaohs and their officers were the representatives, and thus were implicated in their policy. It was as a nation that the Egyptians were to be 'spoiled,' though regarded as individuals, many might be perfectly innocent of the charge urged against their rulers. In any war, even in these days, this principle is fully recognized as a just one. The nation as a whole

must suffer for its policy, the fact that many individuals suffer for what they have never deserved by their own actions, is unavoidable.

And now we come to a text, which seems at first sight, and may be in fact, a somewhat hard nut to crack. This is the 'hardening' of Pharaoh by God recorded in Exodus iv. 21: 'I will harden his heart and he will not let the people go.' What is there to be said for the benevolence, the justice of a God, who is Himself the actual cause and instigator of His creature's sin? The usual explanation of the commentators that this 'hardening' was merely the natural effect of the sin of Pharaoh, a punishment allowed by God, not brought about by His actual interference, is objected to as inadequate, since it is maintained that in the fourteenth chapter, in verses 17 and 18, the actual reasons for a direct interference on God's part are given. The passage is as follows: 'Behold I will harden the hearts of the Egyptians, and they shall go in after them: and I will get Me honour upon Pharaoh and upon all his host . . . and the Egyptians shall know that I am the Lord, when I have gotten Me honour upon Pharaoh.' According to this, the 'hardening' is effected in order that Pharaoh, as Professor Keane puts it, 'may rush to his own destruction *ad majorem Dei gloriam*.'

But is it absolutely necessary to infer that God's glorification was the end for which He Himself induced Pharaoh to sin? Is it not equally possible that in thus speaking, God merely intended to show His foreknowledge of the punishment Pharaoh would bring upon himself as the result of his repeated disobedience to God's commands, and that this punishment would be the means of manifesting the glory of God, and act as a warning to all who should attempt to oppose His will?

But the real difficulty lies with the phrase, so often repeated, 'I will harden the heart of Pharaoh, or of the Egyptians, as the case may be. This phrase seems to make God Himself the direct cause of their evil dispositions. Here again we must remind ourselves of the character of the Old Testament writings and the circum-

stances in which they were written. In speaking of God, it was necessary to use anthropomorphic language in order to adapt what was said to the limited intelligence and spiritual discernment of the age. The Jews were a very materially minded people as can be seen all through their history. They were incapable of grasping the abstract notions of God's unchanging character and man's free will. The one idea by which they were possessed was that Yahveh was the one only God, the creator and cause of all things, without Whom nothing could be done. When, therefore, in spite of God's repeated warnings to Pharaoh through Moses, and by means of the various plagues, he still remained obstinate in his disobedience, it seemed evident that Yahveh Himself must have decreed that it should be so for His own purpose, otherwise Pharaoh could not have so resisted His will.

We, who have received, as far as we can understand it in this world, the full revelation of the character of God, can see the true sense underlying the inspired text : yet even we are obliged to use figures necessarily imperfect in describing His actions. Whether the writer or his readers took these anthropomorphisms in their strict literal sense or not, does not interfere with the inspiration of these texts. God has revealed Himself gradually and in accordance with the development of man's capacity for understanding His revelation, and we can see, all through the books of the Old Testament, this gradual progress in religious ideas, reaching its highest expression in the conceptions of the Psalms and Prophets.

Finally, in this place, it may be remarked that Professor Keane, while quoting those passages in which God is said to have Himself hardened the heart of Pharaoh, has not noticed at least one other passage in the same connexion, where the 'hardening' is distinctly imputed to Pharaoh himself, which seems to imply a certain distinction between the hardening as attributed to God and that attributed to Pharaoh.<sup>1</sup> Where the former is

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<sup>1</sup> See Exod. viii. 15. Cf. also viii. 32, ix. 7 and 35, and xiii. 15—where, however, the reference to Pharaoh is not so clear.

stated, it may be looked on as a way of expressing the foreknowledge of God, where the latter, the real cause of Pharaoh's hardness of heart, his own free choice.

With this is now compared what seems to be a parallel case, the 'beguiling of Ahab to his destruction' by God, which is related in 1 Kings xxii. 22: 'And he said I will go forth and will be a lying spirit in the mouth of all his prophets. And He [Yahveh seated on His throne] said, thou shalt entice him and shalt prevail also: go forth and do so.' Here again it is asserted that the text must be taken in its strict literal sense, and that thus Yahveh is pictured as deliberately deceiving His creatures, 'playing the part not of Ormuzd, but of Ahriman.'

Then Isaiah xlv. 7, is quoted in connexion with this, where Yahveh declares that He is the author of evil: 'I form the light and create darkness; I make peace and create evil; I am the Lord that doeth all these things.'

Let us take this latter text first: it is assumed that in this place, evil means moral evil, but it is hard to see why this must be the case. The word evil is contrasted with peace, not good, and seems to imply material evil, such as war or famine would be. If this text is compared with another in Amos iii. 6: 'Shall the trumpet be blown in a city, and the people not be afraid? Shall evil befall a city, and the Lord hath not done it?' it will be seen that here, the word evil evidently refers to something physical, either war or pestilence—the whole chapter speaks of punishment for sin.<sup>1</sup> In Isaiah, the entire chapter from which the text quoted above is taken, deals with the unity of God, the fact that there is no other God beside Him. Thus war and pestilence and all such evils come from God, are punishments sent by Him for moral evil, and this is a very different thing from saying that He is the author of moral evil. But even if it were urged that the texts taken as they stand do imply this and must have implied it to the Jews, we may plead in its explanation, as a fact, that evil has no positive existence, but

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<sup>1</sup> Cf. verses 9 and 10.

consists simply in the negation of good. We speak of it in common parlance as if it was in reality something positive, but we are forced to do so on account of the limits of human language and the difficulty of expressing such ideas.

This negative quality of evil must of necessity accompany the positive quality of good as its correlative, otherwise good would be necessitated or rather there would be no such thing as good, for how would it be possible to recognize good as good, except in contradistinction to evil? God, in a sense, does create evil, inasmuch as all good proceeds from Him and good always implies evil, its opposite. But it is only in an improper sense that evil can be said to be created, since it has in reality no being at all, but is merely absence of good.

It is perfectly true that, as Professor Keane says, 'dualism is barred by the monism here taught by Yahveh Himself,' and it was probably for that express purpose and in order clearly to emphasize the fact that Yahveh was the one principle from which all things proceed, and that evil is not the work of an evil deity distinct from Him, as was the belief of the ancient Persians and others.

There was no attempt at entering into the metaphysical questions concerning the precise nature of evil. Such questions would have been impossible at that period, and would have been wasted on a people of the mental status of the Jews of that time. The great point at issue with the Jews was that of the pure Monotheism of which they had been constituted the guardians, and which had to be preserved against the contamination of Polytheism and other false religious ideas.

In the case of Ahab, it is difficult to see why God should be considered to have 'lured' him to his destruction. Ahab took the trouble to 'inquire of the Lord' through His Prophet Micaiah, whether he should go up to Ramoth-gilead or no, but preferred to follow the bad advice of the 400 false prophets because it happened to agree better with his own wishes on the matter. He had solemnly adjured Micaiah to tell him nothing but what was 'true in the name of the Lord,' when the latter, evidently in

irony, had repeated the advice of the other prophets. Yet, on Micaiah's compliance the king spurned the solemn warning given him in God's name, and rushed to his own destruction of his own free choice.<sup>1</sup>

With regard to the form in which the prophecy was uttered, it was evidently a dramatic way of showing the foreknowledge of God both as to the falsity of the 400 prophets and the perversity of Ahab in preferring to follow their advice to that of Micaiah. What we have already said on the question of evil will apply here to the 'lying spirit' and the apparent association of Yahveh with him.

It is again difficult to see how Ahab was 'tempted to his death,' or how Yahveh can be said to have compassed the death of the 'hapless Ahab,' since the 'hapless' Ahab had been given full warning first of the fate that would befall Israel should he go to Ramoth-gilead (verse 17), and secondly that by following the advice of the 400 prophets he would bring about his own destruction, and yet while believing, as the context shows, that Micaiah was a true prophet of God, he had no mind to believe his words, declaring that he hated him and that he (Micaiah) always prophesied evil to him (verse 8).

Exodus xxi. 5, 6: 'But if the servant shall plainly say, I love my master, my wife, and my children: I will not go out free: then his master shall bring him . . . to the door, or unto the door-post; and his master shall bore his ear through with an awl; and he shall serve him for ever.' It is this text, Professor Keane tells us, that first led him to study the Hebrew records from the moral point of view, and he asks if there is 'any intelligent being who really believes that these are inspired words, that this atrocious outrage on the most sacred feelings of humanity is a divine injunction.'

To talk of an 'atrocious outrage on the most sacred feelings of humanity' is to impute to the slaves of that day, a delicacy and refinement of feeling which they are not very likely to have possessed. Again, to ask why God

<sup>1</sup> See Kings xxii. 15-18, etc.

did not at once abolish the horrors of slavery or 'improve the moral tone' of the Jews of that time, is very like asking why He did not introduce full-blown Christianity at once into the world instead of by a slow and gradual process of development from crude, materialistic notions, and the shadowy half-grasped truths of the Jewish faith.

The code of laws given in this chapter is in accordance with the rude undeveloped ideas and customs of a nomadic people. It has never been God's way to interfere by active intervention or special miracle in the ordinary progress, moral and social, of the human race. This was brought about by a course of education, as it may be called, adapted to the natural stages of advance in civilization and culture. This truth has become more and more evident through the adoption, so general now, of the historical method in the interpretation of the Bible and of the religions of the world. This advance from lower to higher can be seen even in Christianity itself, and with regard to this very case, slavery. The Christian Church did not attempt to abolish slavery from the very first, and wisely so, for to have attempted this would have led to a revolution. Society was not prepared for so radical a change, and it had to be brought about by degrees. Man had to be taught, gradually, to look on his slaves as his fellow-creatures instead of mere beasts of burden.

That God does 'stoop to the low standard of His people' is perfectly true, but He stoops in order to raise them from this low standard; He persuades and invites, He does not force them to rise. But that He 'degrades them to a still lower level' cannot be maintained with justice, and we have clear evidence that in some respects the Mosaic Code was an actual improvement on the customs of its age. We have only to compare it with the ancient Babylonian Code of Laws, known as the Code of Hammurabi and it will be seen that while in many points the Mosaic Code evidences a ruder, more savage or barbaric state of society than that of Hammurabi, drawn up as it was for a people in a state of high civilization, living a settled life in large cities, the latter Code is, as Professor Sayce

points out, 'marked by a greater severity' than that of Moses.<sup>1</sup>

Numbers xv. 22 and 36: For sins done unwittingly 'the priest shall make atonement . . . and they shall be forgiven; for it was an error' (verse 25). In this text it is too readily assumed that 'the Sabbath-breaker,' mentioned later in verse 32, acted unwittingly, and that therefore the command of God that he should be put to death, occurring just after the precepts concerning 'sins of ignorance,' makes Him appear 'not merely as a sanguinary, but an unjust legislator, condemning a man to a cruel death for no offence at all, and that against His own previous enactment.'

The ground of this assertion is that the law concerning Sabbath-breaking could not have been promulgated at this time, since Moses and Aaron were ignorant what to do with the culprit, and it is then inferred from this that the book of Exodus in which the law is given<sup>1</sup> must be of later date than that of Numbers, on account of this, otherwise inexplicable, ignorance.

But the perplexity of Moses and Aaron need not necessarily have been occasioned by ignorance of this law, and on examining carefully the whole of this chapter, it would appear to refer rather to the question of the guilt or innocence of the Sabbath-breaker, that is, whether he had acted unwittingly or not. It seems rather gratuitous to take it for granted that this man had acted in ignorance of any law about the Sabbath, for in the text, the account of the affair follows immediately after verses 30 and 31, in which the law (having in the previous verses treated of sins of ignorance which are to be forgiven) lays down enactments concerning 'sins of pride,' for which there is to be no forgiveness, and in such cases, the sinner, whether Israelite or stranger, is to be 'cut off from among his people,' because he has 'contemned the word of the Lord and made void His precept.'

This seems to point to the fact that the act of the

<sup>1</sup> *Monument Facts and Higher Critical Fancies*, chap. v.

<sup>2</sup> Exod. xxxi. 14, 15.

'Sabbath-breaker' was a sin of pride—a 'contemning the word of the Lord'—and that we have here a practical example of what the foregoing verses lay down with regard to such sins. That the offence was trivial in itself may be readily admitted: to pick up a few sticks on the Sabbath day does not seem a very heinous crime, but it must be remembered that a sin cannot always be judged only by its objective matter, the intention or circumstances may make all the difference. So, in this case, it seems evident that the 'Sabbath-breaker' acted in defiance or contempt of the law, and set an example of indifference to the precepts of God, which would most likely have proved dangerous to a fickle and 'stiff-necked' people like the Jews. Thus his act, harmless in itself, was nevertheless a grave sin.

Moses and Aaron were ignorant what to do in this case, because, naturally enough, at first sight they could not be certain whether the man had sinned unwittingly or with full knowledge of the law. If they had been certain of this, they would have known what to do, since the law regarding 'sins of pride' and 'sins of ignorance' had already been laid down. In fact the whole episode would seem to point to the pre-existence of the law against Sabbath-breaking, and therefore to the priority in date of Exodus to Numbers.

In connexion with this is next brought up the episode in the Second Book of Samuel vi. 6-9, the death of Uzzah resulting from his efforts to save the Ark from falling. This is considered to be a similar example of the 'unjustifiable wrath' of Yahveh in slaying the unfortunate man for a mere act of 'impetuous zeal, an impulsive effort to save the Ark from toppling over.' We can only repeat here what has already been pointed out more than once, namely, the need of always keeping in mind the character of the Jewish race, their want of spirituality and their ever recurring tendency to turn from the severer worship of their own God, to the more alluring cults of the heathen races around them, and the consequent need of impressing on them in a manner calculated to appeal to their materialistic ideas, the majesty, the awful sanctity, and unapproachable-

ness of the God of their fathers. An act like that of Uzzah, however harmless in itself, was on account of the circumstances, an act of irreverence and presumption. The Ark was so sacred that none but the chosen ministers of Yahveh might touch it: thus, however natural his motive may have been, Uzzah had infringed the law laid down by God Himself, and had perhaps shown a want of faith in the power of God to Himself protect the sacred Palladium of His people.

This example might have led the people to indifference or irreverence, and so had to be corrected and in a way that would strike the beholders with fear. The God of Israel must therefore show Himself to be greater than the gods of the Gentiles, and worthy of more reverence than they. It is maintained that David's wrath against Yahveh (verse 8) shows that he did not look upon the matter in this light, and that he at least evidently considered it to be an act of 'blind fury' on the part of the God of Justice. But even granting that the Hebrew word in this text ought really to be rendered 'enraged' the fact that David was so enraged has nothing to do with the morality or otherwise of God's action. Even in these enlightened days, men sometimes rage against what they are pleased to style God's injustice; complaint is often uttered against what seems to be unmerited punishment or unnecessary suffering. But there are others who, recognizing the true relations that exist between God and man, are not so ready to be disturbed by what might appear to be unjust or capricious in the eyes of the latter.

2 Samuel xxiv. 1: 'And again the anger of the Lord was kindled against Israel, and he moved David against them, saying, Go, number Israel and Judah. (Verse 10): And David's heart smote him after that he had numbered the people. And David said unto the Lord, I have sinned greatly in that I have done . . . for I have done very foolishly. (Verse 12): Thus saith the Lord, I offer thee three things.' Numbers i. 2, 3: 'Take ye the sum of all the congregation of the children of Israel, . . . thou and Aaron shall number them by their hosts.' The last of

the texts given here should be compared with Exodus xxx. 12-16. According to the latter, it appears that when the people were to be numbered, a certain ritual was to be followed, raising the numbering from a mere civil census into a religious act and investing it with religious solemnity. All the numbered were to give 'a ransom for their souls to the Lord, that there be no plague among them, when they shall be reckoned' (verse 12). The latter clause concerning the plague should be specially noted in view of the texts to be dealt with in the Book of Samuel. Now, in the case of David's numbering, we find nothing said about this ransom—the people are not looked upon as 'souls' belonging to the Lord, but as 'fighting men' belonging to the king. Thus, while the numbering was in itself not only lawful, but had in fact on one occasion been directly commanded by God Himself (Numbers i. 1-3), it seems evident from the context that it was the motive for which it was commanded, and the method in which it was carried out, that was at fault. This seems to be confirmed also by the efforts made by Joab and the captains of the army to dissuade the king from carrying it into effect.

In explanation of the seeming fact of God's moving or persuading David to commit this offence against Him in order to have 'a pretext of wreaking His vengeance . . . on Israel,' the imperfect conception of the character of God possessed by the Jews at their stage of revelation must again be urged. They had been thoroughly impressed by the notion of the unity, or at least the exclusive nature, of the God they worshipped and the necessary repudiation of all other deities in their national religion. This unity of God, this exclusive Monotheism, it was to be their special mission to preserve uncontaminated in the midst of the Polytheism of the Gentiles, but with regard to the difficult questions of the origin of evil or the nature of man's free will, their ideas, if indeed such thoughts ever crossed their minds, could only have been of the vaguest. To the Israelites of those days, all that happened, whether good or evil, appeared to be the result of the all-powerful will

of Yahveh, without which nothing could take place ; and evil effects as well as good were accordingly ascribed to Him. In 1 Chronicles xxi. 1, the 'moving' of David is ascribed not to God, but to 'Satan'—an evidence of the progress in religious notions, so noticeable all through the Old Testament. Whether by this Satan, the Chronicler meant to signify the enemy of mankind himself, or whether it is to be taken as meaning simply some evilly disposed person desirous of making mischief in Israel, is not altogether clear, but the latter seems to be the most likely, for the idea of the devil as now understood was a comparatively late conception in Jewish religious thought.

For this sin David was given the choice between three forms of punishment, and one of these was a 'plague in the land.' It was this latter that David chose, and may it not be presumed on account of its fitness, since according to Exodus xxx. 12, the ritual observance at the numbering was to prevent this very thing, that by such means the numbering might be prevented from ever degenerating into a mere political action and to remind the Israelites of the theoretical character of their government, and that their earthly rulers were but the vicegerents of Yahveh their true king.

To come to the injustice of punishing the sheep for the shepherd. Either the people were guilty or they were innocent. In the former case Professor Keane's objection falls to the ground, and from the fact of their ready obedience to David's command, and that no effectual protest was made, even by the priests, their guilt seems to be implied in the text before us. In the latter case, their punishment is only another example of the innocent suffering for the guilty, which is continually happening in this world, and which is, to many, one of the strongest proofs of a life beyond the grave where all the seeming injustice of the present life will be rectified.

Exodus xxii. 18 : 'Thou shalt not suffer a sorceress to live.' Leviticus xx. 27 : 'A man also or a woman that hath a familiar spirit, or that is a wizard, shall surely be put to death : they shall stone them with stones : their blood

shall be upon them.' These two short texts, Professor Keane tells us, must be regarded 'as the most baneful in the whole range of the inspired writings,' and he goes on to show the evil influence they have had upon succeeding generations, leading to fanaticism, superstition, and the wreaking of frightful cruelties upon hapless victims, in the name of the God of mercy and love. We would observe it to be somewhat rash to judge the character of these texts by the misuse that may have been made of them. The Scriptures have over and over again been wrested by those who read their own religious ideas into them to their own destruction, but are we therefore to give up all belief in their sacred character or in the truths they really teach? As well might we give up belief in religion itself, because it has been used to further evil projects by unscrupulous votaries. But leaving this view of the case aside, may we not ask if it is not again somewhat gratuitous to assume, as Professor Keane does, that intercourse with the spirit world is nothing but a 'delusion, or at most an imposture'?

This may be the private belief of Professor Keane—it does not follow that it is an absolute fact established beyond all doubt, and it may be questioned when we consider the light that modern science has thrown and is continually throwing upon matters of this nature. But granting for the sake of argument that such intercourse with spirits, witchcraft or whatever name may be given to it, has no objective reality, still the belief in its reality, as Professor Keane himself says, was widely prevalent among all races in those early days, and certain members of society, whether or not by means of fraud or delusion, practised it as a profession.

This being the case, the fact that it was legislated against in the Mosaic Code is perfectly intelligible. It was in reality a sin against the God of Israel, for even if the so-called witches or wizards did not really possess the occult power they claimed, they firmly believed themselves its possessors and really desired to use it, or on the supposition of mere fraud, they worked on the credulity and super-

stitution of others and used their apparent powers for evil ends. When therefore we read that God condemns witchcraft, we need only infer that He condemns a practice which led to grave sin and innumerable evils, without entering into the question of the objective truth of the belief on which it was founded.

As to the cruelties to which these texts have given rise both among the Jews and Christians, the burning of witches during the Middle Ages, and for long afterwards, the torturing and the inhuman methods of execution, which seem to the modern mind so appalling, it is useless to attempt to judge the ways of past ages by the standard of our own times. As in the case of the cruelties of David, the 'Man of Blood,' punishments of a cruel and inhuman character, as we should now conceive it, were needed to make a real impression on a people of a coarser, grosser nature than our own. Milder methods, such as are suited to the twentieth century, would have failed in their effects in those days.

We may admit with Professor Keane the perfect truth of the statement that 'Yahveh was by the Jewish Chroniclers often pictured as an anthropomorphic being of limited intelligence, animated by the same passions as the people themselves.' This is perfectly reconcilable with inspiration and is perfectly justifiable on the part of God in order that a rude materialistic people like the Jews might gradually and by progressive methods be taught the true nature and transcendent character of the God they worshipped. In our own days, such a course is perfectly justifiable when teaching children about God and religion—the cases are parallel.

That the Jews and Yahveh Himself appear in a better light in patriarchal times than in those of Joshua, Judges and Kings, as is observed in connexion with the slavery-question, is only natural, for nomadic and savage races are generally of a simpler more severely moral character than those in a more developed state of civilization. Their religious ideas, too, are usually of a higher, purer nature, and advance in material civilization is generally accom-

panied by a retrogression in religious ideals. Mr. Andrew Lang in his interesting works, *Myth, Ritual and Religion* and *The Making of Religion*, shows that among some of the lowest savages, as, for example, the Australians or Andamanese, there exists the belief in one Great Being, 'Who can do all things and go everywhere,' sanctioning morality, the Father of his people, whereas among the highly civilized races of the ancient world, such as the Egyptians or Greeks, the grossest Polytheism and Idolatry prevailed, morality being thrust far into the background. Here, Mr. Lang is careful to warn us, a clear distinction must always be made between mythology and religious beliefs properly so-called.

That advance in material civilization, therefore, entailed a less pure conception of Yahveh among the Jews is not to be wondered at, and on the other hand, that this down-hill progress did not go to the same lengths as among the heathen nations, was due to the fostering care of Yahveh Himself, who by His inspired word, first through Moses and later through the Prophets, gradually unfolded to His people, as He saw them to be fit for it, the hidden depths of His divine nature, till in the New Testament He appears in the full glory of the revelation of Jesus Christ.

BENEDICT STEUART, O.S.B.

## IRISH MONASTERIES IN GERMANY

### METZ

SOMEWHERE about the beginning of the seventh century a monastery dedicated to St. Felix and afterwards to St. Clement was founded at Metz, the capital of Lorraine, under the auspices of St. Papole, the twenty-eighth bishop of that diocese. Of the early history of this establishment very little has come down to us. We only know that towards the end of the ninth and the beginning of the tenth century it was in anything but a flourishing condition ; and that about the year 945 the great Bishop Adalbero, whose name is well known in the annals of those days, determined to restore it, and found no more effective means of doing so than to entrust it to a colony of Irish monks introduced from the monastery of Vaussor (Walciodorus) in the neighbouring province of Belgium. Vaussor was mainly an Irish establishment with an Irish abbot, or at least an abbot educated in Ireland, St. Cadroe, at its head ; and when the call came from the Bishop of Metz it was responded to by St. Cadroe himself, who went in person to take charge of the new foundation. So well did the new abbot and his community carry out the work confided to them that when some years afterwards another monastery was set up outside the walls of the city, it was not only entrusted to St. Cadroe and his brethren, but an express condition was inserted in the charter obtained for it from King Otho that only Irish monks should be admitted into it ; or at least that native monks should be admitted only when the Irish failed.<sup>1</sup>

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<sup>1</sup> ' Regia denuo nostra munificentia donamus atque confirmamus ea videlicet ratione ut Abbas Primas nomine Fingenius Hyberniensis natione quem ipse praelibatus Episcopus tunc temporis ibi constituit, suique successores Hybernienses monachos habeant quamdiu sic esse poterit ; et si defuerint ibi monachi de Hibernia de quibuscumque nationibus semper ibi monachi habeantur.'

Cf. *Monumenta Germaniae Historica*, tom. ii., p. 439.  
Boehmer, Reg. 682. Stumpt. Reg. 995.

Some doubt is expressed as to the nationality of St. Cadroe, certain writers maintaining that he was an Irish-born monk, others that he was a native of Britain.<sup>1</sup> All agree, however, that he studied at Armagh, and got all his training in learning and religion in Ireland. Considering, moreover, that his father's name was *Fochertach*, which is written in Irish characters in the manuscript of the town library of Metz, and that his mother's name was *Bean* or *Bannia*, similarly written, there seems to be good ground for believing that he was Irish, notwithstanding the dogmatic pronouncement of Lanigan.<sup>2</sup>

The tradition of Metz itself is unquestionably in favour of Ireland. Thus to mention but one authority we have only to consult the account of the monastery of St. Felix or St. Clement, left by the learned Benedictine of

<sup>1</sup> See Lanigan, Vol. iii. p. 401 and foll.; John Colgan, *Acta Sanctorum Hibernias*, p. 494 and foll.

<sup>2</sup> 'Ce grand homme etait le fils du Comte Fochertach ecossais d'origine et descendait des rois du pays. Après avoir fait ses etudes en Irlande il passa en France et se rendit d'abord a Peronne, où il y avait eu autrefois un fameux monastere de religieux ecossais fondé par S. Furcé, mais n'ayant trouvé que des clerics au lieu de moines il se contenta de faire la prière au tombeau du Saint Fondateur et vint à l'Abbaye de St. Michel en Thiérache dans laquelle il resta quelque temps. De là il se retira au monastère de S. Benoit sur Loire où il fit profession de la vie monastique et enfin dans celui de Vaussor dont il fut fait prieur et ensuite abbé après l'abdication de Maclenus (Maclenus aussi ecossais d'origine et profés a Gorze fut fait premier abbé de Vaussor et de St. Michel en Thiérache qui venaient d'être fondés, mais ne croyant pas pouvoir suffire au gouvernement de ces deux maisons à la fois il quitta Vaussor où par autorité de Othon I. il fit metre St. Cardrôe, et se retira à St. Michel en Thiérache.'—*Hist. de Metz*, par les Benedictins de S. Vannes, tom. ii., p. 54.

At page 94 in the same work we read: 'Fingenius bonae memoriae abbas et rector hujus loci (St. Symphorien) qui jacet ante aram S. Joannis in sinistra parte. Un de ses premiers soins (Adalberon II.) lorsqu'il fut placé sur le siège episcopal de Metz fut d'effectuer les projets qu' Adalberon I. son oncle avait formés sur l'Abbaye des St. Innocens connue aujourd'hui sous le nom de S. Symphorien. Touché de la belle situation, de l'antiquité et de la célébrité de cette abbaye qui ne presente plus qu'un amas de pierres et une masure il en repara les edifices lui fit restituer ses biens, lui en donna de nouveaux et y mit pour Abbé le B. Fingenius. Il était ecossais d'origine, avait succédé en 978 à S. Cardrôe, dans le gouvernement de l'abbaye de St. Clément et etait en mesme temps Abbé de St. Vannes en Verdun.'

See also Mabillon, *Annales Ordinis Sancti Benedicti*, fac. v., page 495.

St. Vannes, Dom Geoffrey d'Armène, which may be seen in the town library of Metz, and which says :—

Les cinq premiers Abbés de notre maison (St Clément) depuis sa réparation furent Hbyerniens, sçavoir—

St. Kadroe.

St. Fingenius.

Haymo.

Widelo.

Hagano.

And as some doubt was expressed as to whether Wydelo was an Irishman, on account of his name, he adds : ' Pour Wydelo, de qui nous parlerons plus tard, c'est une chose tout constante qu'il était irlandais.'

Another learned Benedictine of the same school of St. Vannes has left to the same library a manuscript history of the Abbey of St. Clement in which he says :—

En 945 le grand Adalberon, évêque de Metz, touché du mauvais état de ce sanctuaire conçut le dessin de le rétablir et de lui rendre son ancienne splendeur. Alors fleurissait en Austrasie un personnage célèbre nommé Cadroe, Abbé de Vaussor, monastère de Benedictins entre Dinan et Philippeville sur la Meuse. Adalberon auquel la renommée le fit connaître jeta les yeux sur lui pour l'exécution de son projet sur St. Felix. Il l'engagea à venir à Metz, le fit Abbé de ce monastère et lui confia le soin de le rétablir. Le Saint Abbé s'en acquitta avec un succès qui repondit à son zèle et lorsque tout y fut réuni en état quant aux édifices et aux beaux reguliers il fit revivre le meilleur ordre quant à la discipline et l'observance de la règle de St. Benoît. Il y fit venir à cet effet quelques religieux de son monastère de Vaussor. Leur exemple joint à l'éclat de leurs vertus et les miracles de St. Cadroe remplit en peu de temps celui de St. Felix d'excellents cenobites qui éclairèrent les fidèles par leur silence et les édifièrent par leur piété.

Finally the historian of the Bishops of Metz, a Franciscan named Père Meurisse, referring to the charter of Otho for the monastery of St. Symphorian, says :—

Et parceque la profession monastique était alors en grande vigueur parmi les Hyberinens, et mesme que St. Colomban et St. Gal, Hybernien de nation, avaient déjà peuplé auparavant l'Austrasie d'une multitude de monastères où la vie religieuse était encore en sa splendeur cet évêque voulut qu'on ne reçut

point de moines en son Abbaye de St. Symphorien qui fussent d'autre pays que d'Hibernie.

The same writer refutes the idea that either Cadroe or Fingenius was an Irish king ; as at that period, he says, we had no kings in Ireland, but only a lot of ' roitelets.' St. Fingenius succeeded Cadroe as Abbot of St. Clement's, and when the new monastery of St. Symphorien was erected it was also entrusted to him and to his monks. Thus the two most important institutions in the early religious history of Metz were conducted by Irishmen ; and this fact is gratefully acknowledged by all modern historians of the religious history of Metz.<sup>1</sup>

St. Fingen's activity was not confined to Metz, as we shall see ; but before we follow him farther we must say a word about Vaussor from which both he and Cadroe came to Metz.

#### WAUSSOR

Cadroe, of whom we have just been speaking, was for a long time associated with an Irishman named Malcallin. Both of these were attracted to Peronne in Picardy, by the fame of St. Fursaeus. They went there to pray at his tomb, and in the neighbourhood of the monastery they made the acquaintance of a pious lady named Hersendis, who gave them hospitality. They were accompanied by about a dozen of their brethren, and were seeking for a quiet retreat in which to settle down. Hersendis became interested in their plans and brought them to a place called Thiérache, where there was a church dedicated to St. Michael. The place was close to the river Oise, in the diocese of Laon, and suited to their purpose. In order to perfect themselves in the knowledge of religious life Malcallin went for some time to the monastery of Gorse, in the diocese of Metz, where he had the benefit of the training of Agenald, a famous abbot, whilst Cadroe went in a similar capacity to Fleury-sur-Loire, to place himself under the guidance of a still more famous master, Erchambald.

<sup>1</sup> *Gallia Christiana*, Vol. xiii. pp. 844, 866. *Histoire des Evêques de l'Eglise de Metz*, par le Rev. Père Meurisse, O.S.F., Vol. i. p. 99.

When both had received the monastic habit Hersendis had two monasteries ready to receive them, one at Thiérache, already mentioned, and the other across the borders of Hainault, at Walciodorus or Waussor on the Meuse. As Cadroe could not be induced to take charge of either house he went with Malcallin to reside at Waussor; but the abbot finding it difficult to manage both houses after some time returned to St. Michel in Thiérache, having succeeded in inducing Cadroe to become abbot of Waussor. It was here that the Bishop of Metz found Cadroe and took him away to St. Clement's.

On the departure of Cadroe from Waussor another abbot was appointed there who allowed the discipline to become relaxed; but on his death a new spirit was infused into the establishment by Farannan, an Irishman, who became its fourth abbot. St. Farannan was consecrated at Armagh Bishop of *Donnach-Mor* before his departure from Ireland, and on his death in 982 left behind him a great reputation as a monastic ruler and spiritual guide.

#### ST. MICHEL IN THIÉRACHE

Although the monastery of St. Michel in Thiérache was not on German territory it was so closely connected with Waussor and Metz that it naturally comes under observation here. It was founded, as we have seen, under the patronage of Hersendis, by St. Malcallin, who afterwards migrated to Waussor, but returned to St. Michel in Thiérache about the year 950. He died about 978, and the character that he left behind is duly recorded in the Chronicle of Frodard.<sup>1</sup>

Malcallin was not the only Irish monk who found a refuge in the forest of Thiérache. It is certain that he had a colony of Irishmen with him at St. Michel; but long before he had penetrated there the forest had sheltered

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<sup>1</sup> 'Anno 978 vir Domini Malcalinus, natione Hibernicus in vigilia Sancti Vincentii Levitae et Martyris vitam transitoriam, quam habebat erosam, deseruit, et cum Domino, cui indesinenter, cum adhuc viveret, serviverat, vivere feliciter inchoavit. Qui praefatus abbas in corpore humatus quiescit in Ecclesia Sti Michaelis Archangeli, cujus abbatiam dum corporaliter in hoc seculo moveret pio moderamine redit.'

several of the companions of St. Fursaëus, amongst others St. Gobhan, or as the French call him St. Gobain, St. Ettach or St. Zé, and St. Algeis or Algise, whose names still remain attached to oratories, churches, villages and mountains in the famous forest.<sup>1</sup>

#### ST. VITONUS OF VERDUN

Another monastery closely associated with those we have just mentioned is that of St. Vitonus, or St. Vannes, at Verdun, not far from Metz. This was apparently an ancient foundation, but had fallen into decay when it was re-established by St. Fingen of Metz who brought hither a colony and his Irish monks. Here St. Fingen ended his labours having had under his tutelage two of the greatest churchmen of the time, Richard of Rheims and Frederick of Verdun. This abbey became one of the most flourishing and useful of its day, and continued its labours longer and more successfully than any of the foundations in which Fingen had a hand. The *Histoire de Metz, par les Benedictins de St. Vannes*, is the most important historical work in existence on the history and traditions of the capital of Lorraine.

#### MAINZ

The early Irish missionaries on the Continent had a close connexion with the city of Mayence. St. Columbanus with his companions called here on their way to Bregenz and received charitable aid and encouragement from its bishop Leonisius. Here also Marianus Scotus, the famous chronicler, came from Fulda in 1091, and shut himself up as a recluse in a building close to the Dom or Cathedral.<sup>2</sup> A chapel in honour of St. Brigid, *Capella Sanctae Brigidae*, was erected here at an early date, for the virgin of Kildare was honoured wherever the Irish went in those days. This

<sup>1</sup> See Miss Stokes, *Three Months in the Forests of France*, pp. 217 to 231.

<sup>2</sup> He says in his Chronicle for the year 1091, 'Dedicatio capellae clausulae monasterii Sancti Martini in Moguntia in honore Sancti Bartholomei Apostoli, 6 Idus, Julii, feria 6 sanctorum septem fratrum in festivitate. In qua clausula eodem die ego Marianus pro peccatis meis secundo includor.'

was particularly true in regard to the monks of Honau. Grandidier, the historian of Alsace, speaking of the church of St. Pierre le Vieux at Strasburg, writes :—

On y révère aussi le 1<sup>ier</sup> Fevrier les reliques de Sainte Brigitte, Abbessede de Kildar et Patronne d'Irlande, qui sont conservées dans une chässe élevée dans le cœur an côté droit. On appelle encore de nos jours certains cantons, qui appartiennent à la Collégiale les Dimes de Sainte Brigitte, non pas comme quelques papiers semblent l'assurer, pour avoir été donnés à l'église de Honau par cette Sainte, qui était morte au commencement du sixième siècle, deux cents ans avant la fondation de Honau mais parceque les Ecossais ou Irlandais qus vinrent l'habiter y apportèrent de leur pays une partie de ses reliques. Ce qui engagea les peuples à honorer du nom de Sainte Brigitte les biens qu'ils lui consacrèrent.

And in a note the same author adds :—

Les chanoines de Saint Pierre le Vieux ont dans leur compétence les pains de Sainte Brigitte, et leurs meilleurs vins, qui sont a Neugarrheim, portent aussi la rubrique de cette sainte. C'est pourquoi elle est représentée dans de vieilles tapisseries de 1490 présentant des épis de bled et des grappes de raisins aux chanoines qui sont à genoux devant elle, ayant à leur tête le Prévôt qui tient en main des parchemins roulés et scellés, comme pour la remercier des donations qu'on leur avait faites en son honneur. On en faisait autrefois la fête dans tout le diocèse de Strasbourg.

But the most important of the Irish establishments in Mainz was the *Schottenkirche*, or *Ecclesia Scotorum*, which was founded here from Honau.<sup>1</sup> It was built by the famous Abbot Beatus who mentions it in his will and bequeaths it to his monks.<sup>2</sup>

For these same Irish monks of Honau a monastery of *Schottenkloster* was established at Mayence in the reign of Charlemagne, 884.<sup>3</sup> This was the monastery of

<sup>1</sup> It is mentioned in a Fulda Donation Chart of 817, in which a noble named Absuwind presents to St. Boniface a vineyard and house at Mayence situated 'inter ecclesiam Scottorum et monasterium quod dicitur antiquum.'

<sup>2</sup> 'Ecclesiam quam ego construxi in Moguntina civitate donum ad illud locum (i.e. Hohenaugia) et ad illos sanctos in quorum honore constructum est et ad pauperes et peregrinos gentis Scotorum.'

See Schöpllin, *Alsatia Diplomatica* ii., 61 n. 75; also Grandidier, *Histoire de l'Eglise de Strasbourg*, ii. n. 85.

<sup>3</sup> See *Die Irischen Mönche in Mainz*, by F. Falk, in *Der Katholik*, September, 1868, pp. 309, 318.

Hagemünster which was transferred by King Otto in 966 to the church of Magdeburg. The latest Irish establishment at Mayence was a refuge for Irish pilgrims set up by Arnold of Selenhosen, Bishop of Mayence, in the twelfth century. He is praised by his biographer as the protector, the shelter and haven of refuge of all poor Irish pilgrims.<sup>1</sup> At this period many Irish monks were going to the religious houses of their countrymen abroad and were often in great distress, as they started with nothing.

#### DISENBERG

Not far from Mainz is the little town of Disenberg, or Disibodenberg, called after St. Disibod, who was a bishop in Ireland, and who went to preach the Gospel in Germany. He settled down with his companions Giswald, Sallust and Clement on the banks of the Nahe close to Kreuznach. He established a monastery there which afterwards was occupied by Benedictines, and the fact that the place still bears his name shows what an impression he made on the country. He had the honour of being mentioned in the martyrology of Raban Maur, of being included in the litany composed by Albertus Magnus, and of having his biography written by St. Hildegarde.<sup>2</sup> His monastery lasted through the Middle Ages, but went down in the religious wars of the sixteenth century.

#### LUTENBACH

The monastery of Lutenbach was another of the foundations from Honau. It began with an Irish abbot and eighteen Irish monks sent there by Abbot Beatus.<sup>3</sup>

<sup>1</sup> Ybemororum Scotorum quos ultima mundi ad nostre mediterraneae terre baculo peregrinante transmittunt—omnium peregrinantium oppressorum unicum gremium, armarium et tutissimum existeret portus.

<sup>2</sup> See Bellesheim, *Geschichte des Katholischen Kirche in Irland*, Vol. i. p. 166. All the great religious historians and chroniclers of the period give accounts of St. Dysibod. See Trithemius, *Annales Hirsaugienses*, 1108; Mabillon, *Annales Ordinis Sancti Benedicti*, i. 521, 523.

<sup>3</sup> An old inscription at Lutenbach says, 'Anno DCCC, XI sub Carolo Magno Rege Francorum, Longobardorum ac Patricio Romanorum, anno decimo regni sui, qui extitit filius Pipini Regis, Sanctus Beatus Episcopus et Abbas Honaugiensis ecclesie fundavit ecclesiam in Luttenbach et

The monastery was situated in Upper Alsace, in that part of the province that borders on the diocese of Bâle. This monastery was secularized or turned into a collegiate chapter about the same time as Honau itself. And although it was situated in the diocese of Bâle it continued after its secularization to be governed from Strasburg. It followed the fortunes of feudalism like so many other establishments of the kind. Wishing to have too much they were left with nothing at all.<sup>1</sup>

#### ETTENHEIM

In the part of the Black Forest called Münsterthal there is a little town of about 3,000 inhabitants named Ettenheim. In front of a church close by there are two little fountains which tell their own tale to the inhabitants around. In the beginning of the seventh century a solitary Irishman, who for his poverty-stricken appearance and well-worn clothes was none the less the son of an Irish prince,<sup>2</sup> arrived here to announce the Gospel and establish a mission. He got permission to settle on this spot from Giso, the lord of the soil, and enjoyed the hospitality of a local personage named Eddo or Edulph. He was busy, however, in clearing away brambles and brushwood to make room for the hut he proposed to erect when a huntsman of Giso's came upon the scene. The huntsman took the poor saint for one of the robbers that infested the country, and without waiting for any explanations put him to death. At once several fountains are said to have sprung up on the scene of the murder. Hence the two springs that are still to be seen around his church

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eandem dotavit cum bonis et censibus, et idem Beatus de fratribus Honaugiensis ecclesie, que erat ecclesia Scotorum, instituit in Luttenbach monasterium in honore Sancti Michaelis et transtulit *decem et octo* fratres de genere Scotorum ex monasterio Honaugiensi ad ecclesiam Luttenbach.'

<sup>1</sup> See Grandidier, *Histoire de l'Eglise de Strasbourg*, Vol. i. pp. 411, 413.

<sup>2</sup> 'Magna nobilium natu praeclare virorum  
Regibus e Scotis qui generosus ades ;  
Qui patriam sectando Deum, qui pergama celsa  
Linquis, ab immani cederis hoste Dei.'

These lines were inscribed on the silver shrine which contained the head of St. Landelin, by Laurence Effinger, Abbot of Ettenheim.

at Ettenheim. The biographer of St. Landelin<sup>1</sup> has attributed to him wonderful miracles which, as Grandidier remarks, are indeed possible to Almighty God, but are more expressive of the veneration in which the saint was held than of authenticated history. There is no doubt that St. Landelin was and is revered as few local saints are by the people of the Münsterthal. Pilgrims and solitaries flocked to the place of his execution, and the place is still an object of attraction to the Catholics of the country around. Widegern, Bishop of Strasburg, selected the spot sanctified by the blood of the saint to found a monastery about the year 730. This monastery<sup>2</sup> was greatly favoured and richly endowed by Widegern's successor Heddo. It is pretty certain that there were Irish monks here; but the rulers of the place were always Germans.

#### ALTMÜNSTER

Another Irish monastery which was founded and organized by an Irishman was Altomünster in Bavaria. The monastery which still exists, but is now inhabited by nuns, was founded in the eighth century by St. Alto, one of the companions of St. Virgilius. The monastery is situated between Augsburg and Munich. St. Alto is said to have first led the life of a hermit here;<sup>3</sup> then a stretch of forest was given him by Pepin; a monastery was set up and the surrounding country was reclaimed and rendered fit for cultivation. This monastery has gone through many vicissitudes<sup>4</sup> since it was founded by St. Alto; but it still subsists as a convent of Brigittine nuns.

<sup>1</sup> See Martinus Stephan, *Historia de vita et martyrio Landelini*, Part i., chap. 4.

<sup>2</sup> Landelin était originaire d'Ecosse ou d'Irlande. Ses parens y tenaient un rang distingué, puisque ils tiraient leur origine des anciens Rois ou pays.—Grandidier, *op. cit.*, Vol. i. pp. 249, 251.

<sup>3</sup> It used to be called 'Cella Monachorum,' a name which has been perpetuated in the neighbouring village of Munchwyhr.

<sup>4</sup> See *Kichenlexicon* of Weltzer and Welte, Vol. i. p. 662. Bucelin, *Menolog. Benedic.*, 107.

<sup>5</sup> *Geschichte des Brigittenklosters Altomünster*, by P. Maurus Gandershofen, 1830.

See also Raderus, *Bavaria Sancta*, tom. i. p. 119.

## ILLMÜNSTER.

Yet another Irish companion of St. Virgilius is responsible for the monastery of Illmünster. He is called St. Lullus in the Continental accounts. What his name was like in Irish I cannot say. Alto and Declan were amongst his companions; but Virgilius mapped out a different territory for each of his missionaries. The monastery of Illmünster, founded by Lullus,<sup>1</sup> was situated on the banks of the Ilm about midway between Ingolstadt and Munich. It was subsequently amalgamated with another monastery in Munich. Except for the reference made to it by Thaddaeus of Ratisbon little trace of its history is to be found.

J. F. HOGAN, D.D.

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<sup>1</sup> *Bavaria Sancta*, by Raderus, who says: 'Beatus Lullus presbyter cum S. Virgilio Episcopo Salisburgensi venit in Boicam et ad Ilmum amnem sacrum sacris viris domicilium posuit . . . De Beato Lullo haec Thadaeus Coenobiarcha Reginoburgicus: "Coeterum eorum socius videlicet beatus Lullus apud Illmünster gloriosis operibus intrepidus permansit."'

See also Andreas Brunner in *Annales Boiorum*, Lib. v. pp. 675, 684, and John Colgan, *Acta Sanctorum Hiberniae*, p. 301.

## THE ECONOMIC SITUATION OF BELGIUM

**I**N several of the discussions that of late years have taken place in Ireland on questions of political or economic interest, the example of Belgium has been cited either to point a moral or to add force to an argument. And, in truth, the recent history of that interesting little kingdom furnishes many a lesson on which Irishmen may ponder with profit, especially when they inquire into the causes of their country's decay, and the means that should be adopted to promote the social well-being of the masses of its population.

Belgium presents a very striking illustration of the benefits resulting from self-government. Some seventy-five years ago a successful revolution released the country from its subjection to the Dutch, and placed its destinies in the hands of its own people. In the train of national independence an era of remarkable prosperity opened for the newly-created State, and during the past three-quarters of a century, the social and economic condition of the population has continued to improve at a pace that may well excite surprise and admiration. Reference is frequently made to the industrial importance of Belgium, to the high degree of perfection to which her arts and manufactures have reached, to her ever-growing commercial prosperity; but few persons, probably, have other than a vague idea of the marvellous strides the Belgians have made, and continue to make, in the development of their many resources. It is only by examining in detail the various elements that go to the material advancement of a nation, we shall be able adequately to appreciate the immense progress that has marked the history of the country since it shook off the Dutch connexion in 1830.

Half-jestingly, half-contemptuously, Frenchmen sometimes speak of their neighbours as *les petits Belges*; the slight implied in the phrase is, however, far from being

deserved; for, the little Belgians have in many respects shown themselves much superior to their critics. The density of population, the manufacturing and commercial position to which the kingdom has been raised, the gratifying spread of education, not to speak of the civil and religious liberty which her citizens enjoy, are in striking contrast with the condition of things existing under the Republican *régime* in France. The growth of population has been unusually rapid. In 1831, the territory embraced by the new kingdom numbered 3,786,000 inhabitants; on the 31st of December, 1904, the population reached a total of 7,075,000, an increase in the interval of nearly 87 per cent. Belgium is, in fact, one of the most thickly-peopled countries in the world. With its 622 inhabitants to the square mile, its density is more than double that of Germany or Italy, more than triple that of France, of Austria, or of Denmark, and six-fold that of Spain. Were Ireland proportionately peopled, she would count to-day within her four shores, a population of at least twenty millions.

Although agriculture is widely and successfully carried on, Belgium is largely dependent on foreign supplies for her food; hence her inhabitants are impelled to industrial activity, in order that the products of her manufacturers and various workers may enable them to purchase abroad the food-stuffs and raw materials needed for the national consumption. The progress of industrial enterprise has accordingly gone on *pari passu* with the growth in population. Contrasting the present commercial situation with that which existed seventy years ago, we find that the total imports, which in 1835 were estimated at less than 8 millions sterling, rose to upwards of 177 millions in 1904; and the total exports from 6½ millions to 154 millions. In other words, although the population had not quite doubled within the above period, the volume of trade had increased twenty-three fold.

The 'special commerce,' which comprises all goods entered for home consumption, and the exports of native produce, was valued, in 1904, at close on £200,000,000, of which the imports were upwards of £110,000,000, and

the exports £88,000,000. In 1835, the corresponding figures were—imports, £6,910,000, exports £5,520,000, or a total of £2 19s. 8d. per head of the then population. The value, in 1904, of imports for home consumption average £15 14s. 5d. per head of the population; the domestic exports amounted to £12 7s. 2d., or a total per head of £28 1s. 7d., as compared with £2 19s. 8d. seventy years previously. These figures exceed considerably the average values per head of the trade of Great Britain; they are nearly three times the German or French averages, four times greater than those of the United States, and seven times greater than those of Italy. In 1902, the total value per head of the imports and exports of the United Kingdom was £20 18s. 5d.; for the same year the value of the German import and export trade worked out to £9 13s. per head of the population.

After the United States and Germany, Belgium is Great Britain's most serious competitor in the world's markets. The returns just published of the 'special commerce' for 1905, show that trade continues to expand, the imports amounting to £11,443,000 more than in 1904, and exports marking an increase of upwards of £6,000,000.

As in the case of both England and Germany, the growth in industrial development which has been proceeding in Belgium could not have been possible without her extensive coalfields. The output within the past seventy years has increased exceedingly in quantity as in value. Whereas in 1835, the production amounted to only 2,600,000 tons, valued at a million sterling, the output in 1900 reached twenty-three and a half million tons, valued at £16,320,000. This industry alone gives employment to more than 132,000 workers. A very extensive coal area has recently been discovered in the provinces of Limburg and Antwerp, and already measures have been taken for its immediate exploitation.

The expansion of trade has naturally led to the improvement of facilities for transport and the increase of rapid means of communication. Perhaps in no other part of Europe has the feature of our modern economic condi-

tions been so notably exemplified as in Belgium. The country is covered with a network of railways, its system—not including steam trams or light railways—extending over some 4,540 kilometres, or 2,830 miles, which gives 155 kilometres for every thousand square kilometres of the entire area. In Great Britain the proportion is 108 for every thousand, in France 80, and in Italy 55 per thousand.

During the year 1904, as many as 152,865,366 passengers travelled over the lines ; in 1880 the number was 56,305,953. The gross traffic receipts amounted, in 1880, to £5,283,000—in 1904 the total earnings reached a sum of £10,428,210, or nearly 100 per cent. in excess of the total twenty-four years previously. Of the earnings in 1904 the sum of £3,288,794 was derived from passenger traffic, and £7,139,416 from that of goods. During the same year the train mileage was 43½ millions ; that of the Irish railways is only some 18 millions. At the close of 1904, the rolling stock on the Belgian system consisted of 3,525 locomotive engines, 7,055 carriages for the conveyance of passengers, 79,200 waggons, parcel vans, etc., for the conveyance of live stock, minerals, and general merchandise. The number of persons directly engaged in working the railways was 71,200. Two years ago the Railway Minister stated in the Chamber that the number of trains circulating annually over the system was 975,000 ; this figure may help us to form an idea of the intensity of the traffic. It is, therefore, safe to assume that in the course of 1906 close on a million trains, laden with passengers and merchandise, have been journeying within an area about one-third that of Ireland.

Remarkable as the above record is, it does not include all the rail accommodation provided for the public. The main systems and their connexions are fed by no fewer than 145 lines of *chemins de fer vicinaux*, or light railways, of which the Belgians were prompt to recognize the possibilities for the purposes of trade and travelling. The first of these lines, 13½ miles in length, was opened in 1885,—at the close of December, 1905, the total length of the various lines in operation was 1,704 miles, whilst at the same date some 546 miles were under construction or about being commenced.

Nor is this all. The Government has at present under consideration, applications to authorize the construction of additional lines to extend over 1,240 miles. Seven of the light railway lines (75 miles) are worked by electricity. It is needless to insist on the importance of these facts and figures. And if such ample facilities for transit are nowhere to be found, nowhere is railway travelling so cheap as it is in Belgium. The ordinary speed and carriage accommodation may, it is true, leave somewhat to be desired ; but nobody can justly complain that the charges are unreasonable when the third class fare amounts to but a shade over a halfpenny a mile, not quite a penny for second class, and the return journey can be made for a trifle over a fare and a half. As is pretty generally known nearly the whole of the ordinary or broad gauge system is the property of, and is worked by the State ; the light railways have been constructed for the most part by the Société des Chemins de fer Vicinaux, with capital provided by the State, the Provinces, and the Communes, the State subsidy usually amounting to a third of the cost.

A not inconsiderable service is rendered to the national commerce by the Belgian waterways. There are 1,375 miles of canals and navigable rivers, on which there has been an 'extraordinary' expenditure of upwards of £12,000,000, the canalization of the Meuse alone, between Liege and the French frontier, having cost more than a million sterling. Both the construction of the canals and the canalization of the rivers have been effected at the expense of the State, but on none of the waterways is the State a carrier, the transport of goods being left entirely to private enterprise. These waterways are largely utilized for the transport of agricultural produce, metals, minerals, timber, industrial products, etc. In the course of 1904, the merchandise carried on them attained a total of 51,596,861 tons. The tolls levied in 1903 amounted to nearly £80,000 ; in the same year, however, no less than £650,000 was expended on the upkeep, improvement, and extension of these means of communication, and in 1904, a sum of about £660,000 was spent for the same purposes.

An index, and indeed a result, of the uninterrupted increase of national prosperity, are the improvements and enlargements that have been carried out in the several seaports within the last half century or so. Of these ports Antwerp is, of course, by far the most important, and in the rapid rise of this great commercial emporium is to be found incontestable evidence of the extraordinary advance the foreign trade of Belgium has been making in recent years. In 1831, the tonnage entering the port was 153,303 ; in 1870, it rose to 1,317,315 ; in 1880 to 3,006,701 ; and in 1904, it reached a total of not less than 9,373,703, or more than sixty-fold that of the year 1831. Mr. Hertslet, the British Consul-General in Belgium, says in a report recently issued by the Foreign Office, that Antwerp will probably soon occupy the first place among Continental ports owing to its superior geographical position, and to the accommodation and facilities for shipping which it affords. As to Ghent, the business of its port shows a corresponding progress. The tonnage which entered in 1860 was 48,925 ; in 1904 it was 786,362. The tonnage entering Ostend was 66,950 in 1860 ; in 1904, it increased to a total of 956,424. For the improvement of the port of Bruges, extensive works were completed last year, which, it is confidently expected, will be the means of restoring to that famous old city not a little of its ancient commercial prosperity.

The energy, enterprise, and intelligent activity of the Belgian people have developed to a most remarkable extent the various resources of their country. As a result, the public wealth has attained very large dimensions. Competent financial authority estimates that at the end of 1902 the capital invested in stocks and shares quoted on the Brussels Exchange, not to speak of moneys otherwise employed at home and abroad, amounted to at least £340,000,000. In few countries is the national wealth more widely distributed. If we do not hear of any millionaires after the American pattern, neither do we witness any of that extreme poverty which is all but too common in the large cities of England and the United States. And since 'there's bread and work for all,' there is no

'unemployed' problem to vex the souls of municipal philanthropists.

In the operations of the Caisse d'Epargne, or Government Savings Bank, we have further evidence of the widespread diffusion of the wealth of the nation as well as of the extent to which thrift is cultivated by the population at large. The annual returns of this institution enable us to measure the degree of well-being enjoyed by the employé, artisan, and ordinary working-classes. The Caisse d'Epargne was established in 1865, and its founder was considered over-sanguine when he expressed the hope that its deposits would one day amount to a total of four millions sterling; as a matter of fact, the sum the Bank now holds in deposit is more than seven times its originator's anticipation. The precise total on the 31st of December, 1904, was £30,563,000.

And what is more interesting, and perhaps more important, this very considerable sum was distributed among 2,205,000 depositors. There is thus a post office bank account for about every three persons of the entire population, and as 87 per cent. of the pass books indicate a credit total of less than £20, it is obvious that the people, in the widest sense of the word, constitute the vast majority of the depositors. In private savings banks 43,280 depositors had to their credit at the close of 1901 a sum of nearly £2,000,000.

The progress in education—elementary, secondary, and higher—has corresponded with the advance in other departments of the national life. At the close of December, 1904, the number of children on rolls of the primary schools subject to State inspection, was 859,436; of the attendance in the 'free' schools not subject to official examination, no returns are available. In 1843, the amount devoted to primary instruction from public funds was a little over £100,000; in 1903 the State, Provincial, and Communal subsidies for elementary education came to nearly £1,700,000. In the special classes provided for adults there was an attendance during the year 1904 of 194,000 pupils.

For secondary instruction ample provision exists in the Government *athénées*, and in the numerous high schools official and other. The State secondary institutions had an attendance of 33,122 students, on the 31st December, 1904, but to this number should be added the population of the many colleges and high schools under exclusively Catholic control, of which, unfortunately, no returns are regularly published. The attendance in these colleges and schools is, it is safe to say, greater than that in the Government secondary establishments.

The Belgian educational edifice is crowned by four Universities, of which two, Ghent and Liege, are State institutions; the other two, that of Brussels and that of Louvain, are entirely independent of Government control, and consequently receive no assistance from the State. The total number of undergraduates in the year 1904-5, was 6,098—or more than five times the number receiving a similar education in 1830—the Catholic University of Louvain coming first with 2,134 students. It is instructive to learn that of the entire University population in the academic year 1904-5, at least 33 per cent. were attending the special schools of mining, engineering, commerce, agriculture, etc., an evidence of the growing importance attached to purely professional training. In 1890 the proportion was but 15 per cent.

As might be expected in a country so conspicuous for industrial enterprise, technical instruction receives a large amount of attention and encouragement from Government and municipal bodies. That the Belgians fully recognize the necessity of special training for youths destined for industrial or manufacturing pursuits, may be inferred from the fact that in 1903-4 there existed throughout the country 280 institutions in which a strictly commercial, professional, or technical training was imparted, the number of students being about 43,000, of whom 8,250 were girls, an increase on the preceding year of twenty establishments and 2,434 students. The cost of instruction was £137,600, an increase on 1902-3 of £11,300. The State contribution was about half the total amount.

As illustrating the encouragement given to professional instruction by municipal authorities, the case of one of the great towns may be cited. The Communal Council of Ghent, a city with 160,000 inhabitants, allocates in its budget estimates for 1907, a sum of £9,000 for purposes of technical education; this amount is of course exclusive of the Government grant, which will probably not fall far below that figure.

A gratifying progress is also being made in the matter of *écoles ménagères*, or house-keeping schools. These special schools which are of such unquestioned utility, more particularly to girls in the humbler ranks of life, were commenced in 1890; at the close of 1904 they numbered 87; there were, however, in addition 198 special classes for cookery, domestic training, and other branches needful for a good servant or housewife. In these schools and classes there was an attendance of nearly 10,000 girls and young women. These figures do not include the many *écoles ménagères* carried on in connexion with convents, and receiving no assistance from public funds. For the promotion of housekeeping instruction the State contribution was nearly £6,400, that of the Provinces and Communes, £5,420; from other sources about £4,900—in all, upwards of £16,700.

Belgium does not enjoy the doubtful blessing of an irresponsible 'department,'—as a compensation it possesses a Ministry of Agriculture and a Ministry of Industry and Labour—the latter created since the Catholics came into power, in 1884—and in both these branches of the administration, not only is every question affecting the welfare of the farming and industrial classes carefully and sympathetically considered, but effective measures are adopted to further their respective interests. Even a superficial observer cannot fail to be struck by the excellence of the results.

No acute agrarian problem awaits solution. Landlord and tenant—in the relatively rare cases where the occupier is not the owner of his holding—do not seem at daggers drawn. Thanks to the intelligent co-operation and assistance of Government, agricultural instruction has been

widely diffused, and in consequence methods of culture are being constantly improved, as well by the cottier class as by the holders of large farms. There is no complaint that tillage does not pay, and no disposition to turn a province into grazing ranches. It may be added that the prosperity of the agricultural industry is considerably promoted by the judicious application of co-operative principles, by the accessibility of the markets, and by the facilities for transport which, as already stated, are both numerous and cheap. Legislative action has done much, private initiative perhaps more, for the social betterment of the masses.

During the past twenty years the great body of the toilers, industrial and other, have had their working conditions greatly ameliorated, their wages enhanced, their scale of living raised, their dwellings improved, and opportunities afforded them for making a suitable provision against sickness and old age. One of the first tasks to which the Ministry of Industry and Labour addressed itself after its creation in 1887, was that of the decent housing of the working-classes. In 1889 a Government measure was adopted by the Chambers authorizing the formation of 'patronage' committees to further the construction, letting, and purchase of suitable dwellings by working-men. The Caisse d'Epargne was also empowered to advance loans at the easy rate of  $2\frac{1}{2}$  per cent. to associations formed for the construction or purchase of such habitations.

The provisions of this law have been so widely availed of that there were on the 31st of December, 1905, as many as 196 societies, scattered throughout the various provinces, engaged in promoting this excellent social object. Up to the same date the moneys advanced by the Caisse d'Epargne amounted to close on  $3\frac{1}{2}$  millions sterling. The dwellings erected by these societies are models of their kind and are either let or sold on favourable terms to working-class families; in case of purchase payment is usually made by a fixed number of annuities. The working-man owner is exempted from a tax called the *contribution personnelle*, and the preparation of deeds, registration, and other legal formalities are free of charge. This scheme has been so

successful in its operation that within the last sixteen years about 100,000 working-men have become, or will be after a brief period, the owners of their homes.

It may without exaggeration be asserted that in Belgium are to be found most, if not all, the conditions that make for the material happiness—to speak of that only—of the masses of its population. Employment is abundant, the cost of living is comparatively low, rent and taxes are, as a rule, extremely moderate, wages, except in the case of agricultural labourers, are double what they were fifty years ago. In no other country has the condition of the toilers been studied with more genuine sympathy; in no other has so much been done in recent years for the redress of their grievances or the amelioration of their lot. Nowhere else have the social teachings of Leo XIII been so cordially welcomed or so successfully applied.

Belgium has been the first European State to attempt a practical solution of the old-age pension difficulty, as it has been the first to legislate for the satisfactory housing of the workers. M. Payen, a distinguished member of the French Institute, was well within the truth when he wrote some time ago, that 'of all the European countries Belgium has in these latter years, made the noblest and most successful efforts for the furtherance of social progress.' To the Catholic Party, in the Chambers and in the country, must be awarded the praise of having initiated and carried through those schemes of social betterment which have not only been admired but imitated by other nations. For now more than twenty years Catholics have had the administration of the national affairs: Belgium is, in fact, the only country in Europe with a distinctively and professedly Catholic Government.

In the steady development of the nation's resources, in the rapid growth of commercial prosperity, in the satisfactory spread of education, in the generous encouragement given to the arts and sciences, in the orderly advance of social reform, we have conclusive evidence that 'reactionary clericals' are, *pace* the *Times* and other organs of its ilk, no enemies to genuine progress or true enlightenment.

T. A. WALSH.

# Notes and Queries

## THEOLOGY

### GRATUITOUS APPLICATION OF SECOND MASS ON SUNDAY

REV. DEAR SIR,—A priest accepts a stipend for a Mass for a deceased person. Not being in a position to say the Mass himself, he asks another to fulfil the obligation for him, at the same time offering him the stipend. The latter declines to accept the stipend, but promises to offer his *second* Mass on Sunday for the aforesaid intention. From the express mention of *second* Mass, it would seem he intends to fulfil an obligation in justice by his first Mass. Is his second Mass, therefore, sufficient to satisfy the intention mentioned, or is the first priest still bound to something ?

P. D.

Whether or not the priest acted lawfully in celebrating his second Mass on Sunday for the deceased person, his application of the Mass was valid, and, consequently, no obligation remains to have Mass celebrated again for the same object.

I believe that the priest acted lawfully in so applying his second Mass. If he had taken on himself an obligation of justice to apply the fruits of his second Mass he would have acted against the law prohibiting the fulfilling of two obligations of justice on the same day by the celebration of two Masses ; but the circumstances narrated by my correspondent seem to show that at most an obligation of fidelity was assumed. Against this view of the case the difficulty has been urged that the application of the second Mass fulfils an obligation of justice, even though this does not bind the individual priest who celebrates the Mass ; the result being that the priest *de facto* fulfils two obligations of justice on the same day by the celebration of his two Masses. The evident reply to this difficulty is that, till an authoritative decision is given to the contrary, we are justified in holding that, in pro-

hibiting the fulfilment of two obligations of justice Canon Law speaks of two obligations binding the individual priest who says the Masses. This, indeed, seems to be the natural interpretation of the various decrees which speak of a priest receiving a honorarium for his second Mass: 'firma prohibitionem recipiendi eleemosynam pro secunda missa.' In this and similar forms of expression there is question only of a priest who has undertaken a personal obligation of justice.

#### CASE OF DOMICILE

REV. DEAR SIR,—A girl was in service in this parish for a period of three years. She became engaged to a young man belonging to a neighbouring parish. Last December they bought a house in this parish, and furnished it in preparation for their marriage, but did not go to live there till after the marriage ceremony which was performed in a city parish in February last. In view of the marriage the girl left her service at the end of December and went to live with a married sister in another parish, and remained there till the day before the marriage when she went to the city. As parish priest of the parish where the girl was in service and where she intended to live permanently after the marriage I assisted at the ceremony. Was the marriage valid?

P. P.

In my opinion, the marriage was valid, because the parish priest of the place where the girl was in service and where she intended to live permanently after marriage was her *proprius parochus*. The girl had all conditions required for at least a *quasi-domicile* in the parish, since she left the parish at the end of December last with the intention of returning in a short time as a resident. She, consequently, did not lose the *quasi-domicile* already acquired in the parish. Moreover, it seems to me that the girl had a true domicile in the parish from the moment when she entered into a definite agreement to marry and live permanently in the parish, because she then had the two elements required for a domicile, viz., actual habitation and the intention of permanently living in the place. In saying this I assume that she looked on the marriage as morally certain to take place, otherwise the house would

not have been bought, and she would not have left her service in view of marriage.<sup>1</sup>

#### PIA LEGATA

REV. DEAR SIR,—Michael, a man of wealth, has no children, but has two nephews, John and James. John is industrious, and liked by his uncle. James is an ill-doer and disliked by his uncle. The uncle makes his will, and leaves all his property to John, subject to a legacy of two thousand pounds (£2,000) to a church about to be built in the parish. John, in connexion with his business, has to go over to America for a month, to return in two months, but while in America he dies suddenly, say on Tuesday, and on the next day, Wednesday, his uncle Michael dies without making a new will, because he believes his nephew to be still alive. In other words he dies intestate, and his ill-doing nephew gets all his property, and absolutely refuses to give any sum to the new church, on the ground that as he has received nothing under the will of his uncle, he is not bound to anything. I know that if a person or persons received a large sum under a will, and then refused to pay the *legata pia* on the ground that these were void by the civil law, his or their position would be untenable; but here James the ill-doer succeeds *ab intestato* which, I have some reason to believe, changes the situation. An expression of your opinion will oblige.

A READER OF THE RECORD.

The solution of this case depends on the nature of the obligation which the testator wished to impose on his favourite nephew. If he desired to impose a personal obligation of handing over £2,000 towards the building of the new church, there would be no obligation on the other nephew to make the same donation on his coming into the property. The uncle would have imposed a similar personal obligation had he willed his property to the second nephew, but as a matter of fact, not having made another will, he did not impose such an obligation. On the other hand, if the uncle wished to impose a real obligation, binding the property independently of the person of the legatee, the next of kin receiving the property *ab intestato*, would be bound to give the £2,000 to the church, since that desire of the testator would be

<sup>1</sup> Cf. Lehmkuhl, *Casus Conscientiae*, Vol. ii., p. 494, n. 860, R. 2.

his last will about his property, which, even though invalid in civil law, would hold good in conscience so far as pious bequests are concerned.

From the wording of my correspondent's letter one might conclude that there was question of a real obligation, since he speaks of the donation to the church as a 'legacy'; but if this conclusion is correct I fail to understand how the will lapsed so far as the legacy to the church is concerned. The decease of a legatee before the testator would certainly cause personal obligations to lapse, but it would not cause real obligations to lapse. The latter, being dependent on the legatee merely as an executor or as a trustee, would not fail with his death whether this occurs before or after the death of the testator; the court would appoint another executor or trustee to carry out the bequest. Hence I conclude that the obligation which the testator desired to impose was a personal obligation, and that the second nephew who received the property *ab intestato* was not bound in conscience to give the £2,000 to the church.<sup>1</sup>

#### DE POSSESSORE DUBIÆ FIDÆ

REV. DEAR SIR,—A person is in possession of a certain article of value belonging to his wife, who within a year after marriage died intestate, leaving an heir. After the wife's death, her mother demands from him the article which was hers formerly. He is not aware under what title his wife possessed it, and this is difficult if not morally impossible to ascertain, unless he believe her mother who, no doubt, might be prejudiced in her own favour, and to whom he could not speak about the matter unless with trouble and inconvenience.

(1) Can he retain the article on the principle, *melior est conditio possidentis*, until the other takes the initiative, and proves conclusively her right to it?

(2) Is he in the case in question bound to make any inquiry; and if so, how far is the inquiry to extend?

(3) Finally, what is the confessor to do if he doubts that this person would in any case restore the article?

CONFESSARIUS.

I. The husband can lawfully retain the article in the

<sup>1</sup> Cf. Gury, *Casus Conscientiæ*, Vol. I., p. 369, n. 851; and Genicot, *Casus Conscientiæ*, Vol. I., p. 411, *Casus*, xvi.

circumstances till the other takes the initiative and obtains a judicial decision against him. Seeing that the testimony of the mother-in-law is not conclusive, that it is 'difficult if not morally impossible' otherwise to ascertain the truth, and that the law makes the husband heir to his wife's goods, his possession need not be disturbed by mere doubt.

2. Since it is 'difficult if not morally impossible' to learn the truth, no obligation of making inquiries can be imposed. Were there any reasonable hopes of discovering the true state of affairs, inquiries, corresponding to the value of the article and the chances of success, should be instituted by the possessor.

3. The hypothesis made in the third question would relieve the confessor from the duty of imposing any obligations on the penitent.

J. M. HARTY.

## CANON LAW

### CUSTOM AGAINST THE BULL 'SPECULATOIRES' OF INNOCENT XII.—FORMULAE OF 'EXEAT' AND INCORPORATION

REV. DEAR SIR,—I have read with great pleasure your exhaustive and clear exposition of the recent Decree about excommunication of students from their native diocese, and noticed that we have hitherto practised it only by custom. It will now be greatly interesting to know whether such a custom was lawful up to the present and its use legitimate, especially considering that many of those who practised it knew it to be against the existing law of the Church.

Also, it would be a great boon to many of us if you suggested some kind of form of excommunication letters, because some dioceses never had one, some others used forms which, I am sure, need amendment after the issuing of this new Decree. An answer will immensely oblige.

RECTOR.

I. The custom of granting excommunication and incardination letters to laymen enabling them to receive orders was one against the Bull *Speculatores* of Innocent XII, which was the only existing law determining the compe-

tent bishops to confer orders, and which did not include incardination amongst the causes that make a bishop competent to ordain newly-incardinated subjects.

Can, therefore, a custom against the Bull *Speculatores* be lawfully introduced? Canonists have no hesitation in giving an affirmative answer. 'Ceterum,' writes Many,<sup>1</sup> 'inolescere posse consuetudinem contra Bullam *Speculatores* praesertim in rebus minoris momenti non est dubium.' Gasparri<sup>2</sup> also states, 'Si autem quaeras num contra hanc constitutionem possit inolescere consuetudo, respondemus nos non videre rationes pro generali responsione negativa,' with the exception of the punitive dispositions laid down in that Bull and confirmed by the Bull *Apostolicae Sedis* against which no custom can lawfully prevail.

In addition to the opinion set forth by those eminent canonists in favour of the existence of such a custom, we find in it all conditions required for its legal introduction and lawful retention. In the first place it was a custom against an ecclesiastical law which is subject to modification, and even abrogation, according to the different circumstances and needs of the community for whose benefit it was enacted. In fact, it was necessity which made it imperative to establish a practice against the written legislation in order to get over the ever-increasingly difficult situation created in ecclesiastical discipline by the existing law; a law which, besides an incardination, required a domicile in the new diocese to enable a student to receive orders by the incardinating bishop.

Moreover, it was a custom which, far from proving detrimental, was highly beneficial to ecclesiastical discipline, which was thereby ameliorated, rendered easier in its working, and brought into harmony with the changed condition of times. Nor was it exposed to any danger of serious abuse, as it completely safeguarded the rights of diocesan superiors who, by mutual agreement, stipulated between themselves that sort of gratuitous contract of giving and receiving jurisdiction over a par-

<sup>1</sup> Cf. Many, *De S. Ord.*, p. 100.

<sup>2</sup> Gasparri, *Tract. Can. de S. Ord.*, ii., n. 805.

ticular subject. A custom finally introduced, approved of and practised by competent superiors, and in existence for a long span of years.

It is true that at the end of the Bull *Speculatores* there is the clause, 'In omnibus plenissime observari . . . non obstantibus statutis et consuetudinibus,' etc., but this regards and abrogates only previous customs, and does not interfere with or reprobate future and reasonable contrary practices. Nor was it abolished by the Decree *A Primis* of 1898, because the expression therein contained, 'Contariis quibuscunque minime obstantibus,' concerns and abolishes all customs against the new regulations laid down in that Decree, but does not effect customs against any other law, say, against the Bull *Speculatores*.<sup>1</sup> So it was, for that reason, continued in practice, and also because the new method adopted by some superiors of giving tonsure first and then letters of excommunication seemed to others a procedure of involved and contradictory nature, which contained at the same time an act of acceptance by giving tonsure, and another of dismissal by granting excommunication; excommunication already decreed before the act of acceptance.

All conditions for the legal introduction of that custom being present, it was and remained, up to the issue of the last Decree, perfectly lawful, so that Many could rightly say, 'Ceterum usus est immemorialis in Gallia et praesertim hic Parisiis ut etiam laici excorporentur . . . ergo hae consuetudines coeteroquin rationales et legitime praescriptae dici debent adhuc vigere.'

If the custom was lawful, its practice was perfectly legitimate, and it does not matter whether or not it was practised with the knowledge of acting against the written law, for a well-established custom becomes eventually a law, and the knowledge of the previously abolished legislation does not effect the lawfulness of the practice of a new contrary law. Perhaps another question may be considered, whether that custom could have been lawfully

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<sup>1</sup> Cf. *Act. S. Sedis*, Vol. xxix., p. 497.

introduced from the beginning with such a knowledge or, as some put it, *in mala fide*? Leaving for the present to moralists to discuss the moral side of this question, namely, whether those who first and deliberately introduced such a custom against the law committed any fault, and how long such a practice was sinful, and considering it from the juridical point of view, we have no hesitation in stating that a custom introduced with the intention of contradicting and even abolishing the contrary written law may be quite lawful. Those who deny this theory mistake prescription for custom.

The first is based on a *bona fide* possession which eventually yields the irrevocable ownership of a thing or the acquisition of a right, whereas the latter is founded on a practice which is the expression of the intention and of some want of the community, carrying with it the approval of the superior who is always presumed to wish and confirm whatever tends to the public weal. Once, therefore, it is well known that some practice is the expression of the intention of the community that started it and fosters public good, it implicitly obtains the superior's approval and is legally introduced, it being absolutely immaterial whether the originators of such a custom were aware or not that their practice was at variance with the written law:—

Consuetudo [writes Icard, i. n. 15] vim suam mutuatur a legislatore qui intendit se conformare moribus et praesumptae voluntati communitatis, atqui bona fide vel mala fide inducatur consuetudo contra legem, mens praesumpta communitatis est ut illa lex quae non fuit longo tempore observata, abrogetur.

And another reason is assigned by De Angelis,<sup>1</sup> saying:—

Non minus sunt mores populi qui inducti sunt vel bona vel mala fide et istius populi moribus indulget legislator eosque approbat.

II. It is always advisable for diocesan superiors to keep and give printed forms whenever they grant dispensations or faculties of any kind, especially when there is question

<sup>1</sup> Lib. i., tit. iv., n. 6.

of giving excorporation or incorporation letters. In addition to the saving of trouble of writing private letters for those purposes, a printed form lends itself better to the preservation of such a document in the diocesan archives, where it is always at hand for inspection should any doubt or controversy arise about it in the future.

On the other hand we know that forms of exeat and incorporation are not easily to be found in authors either old or modern. Monacelli, for instance, who has a formula for almost everything, is silent on this matter. Many and Gasperri, the best recent writers on this subject, do not suggest any formula. It is true that a few authors, as Russi (*Promptuario Ecclesiastico*) and Trama (*Manuale teoretico-practico*) give some formulae, but those are either antiquated or erroneous in many points. It is for this reason, therefore, that we gladly comply with our correspondent's request, and suggest formulae of excorporation and incorporation, taking as a basis the analagous forms composed by Roman canonists at the time of the Latin-American Council, and modifying them in such a way as to meet the requirements of the present ecclesiastical legislation.

We wish it to be noted also that diocesan superiors, together with excorporation letters, must give testimonial letters either secretly or otherwise, according to different circumstances, but we do not suggest any formula for testimonial letters, as it may be easily found in any work dealing with ordination, and also in the Appendix of the *Maynooth Synod Decrees* :—

[*Litterae Excardinationis.*

Nos

N. N.

*Dei et Apostolicae Sedis Gratia*

EPISCOPUS N.

Dilecto Nobis in Christo N. N. huius Nostrae Dioecesis subdito  
Salutem in Domino.

Visis instantiis a te porrectis quibus petiisti a Nobis ut tibi concederemus litteras excorporationis a Nostra Dioecesi cui ratione originis (seu domicili) adscriptus hucusque fuisti, ut

integrum tibi sit ad Dioecesim *N.* transire, eique adscribi; perpensis insuper, iustisque inventis causis huius dimissionis concedendae; gratiam quam expostulasti tibi duximus concedendam.

Quare Nostris hisce litteris te ab hac Dioecesi absolute et in perpetuum dimittimus et dimissum edicimus et declaramus, in eum tantum finem ut Dioecesi *N.* adscribi valeas; transferentes insimul omnem iurisdictionem, qua in te pollemus, in praefatae Dioecesis antistitem ad quoscunque iuris effectus; ea tamen sub conditione ut hae litterae tunc solummodo sortiantur effectum quum novae Dioecesi rite fueris cooptatus.

In quorum fidem has praesentes Litteras manu Nostra subscriptas, sigilloque Nostro et Secretarii Nostri subscriptione munitas fieri iussimus.

Datum *N.* ex aedibus Nostris, die *N.* mensis *N.* anni *N.*

(Loc. ✠ Sig.)

*N. N.*  
*Episcopus N.*

De mandato Illmi. et Rmi. Dni. Episcopi.

*N. N.*  
*Secretarius Episcopalis.*

*(Litterae Incardinationis.*

Nos

*N. N.*

*Dei et Apostolicae Sedis Gratia*

EPISCOPUS *N.*

Dilecto Nobis in Christo *N. N.* Dioecesis *N.* subdito  
Salutem in Domino.

Quum Nobis constiterit te, Dioecesis *N.* hucusque subditum, ab illius Illmo. et Revmo. antistite iustis de causis legitimum dimissionis documentum obtinuisse; nec non ex praedicti Dni. Episcopi testimonio certum Nobis sit te legitimis esse natalibus, bona indole, integris moribus et sufficienti praeditum scientia (quum praeterea praestito iuramento declaraveris te velle sub Nostra iurisdictione semper permanere et huic Ecclesiae iugiter deservire); Nos moti studio, quo exardescimus, bonum Ecclesiae Nostrae procurandi, te, quem ipsi utilem (vel necessarium) pro praesentibus eius adiunctis existimamus, absolute et in perpetuum Dioecesi Nostrae adscribimus et ut ei adscriptum renuntiamus et declaramus; acceptantes omnem in te potestatem Nobis a Dno. Episcopo *N.* collatam et sperantes te alacri animo

pro bono animarum in hac Dioecesi adlaboraturum, omnibusque fidelibus bonum Christi odorem semper futurum.

In quorum fidem, etc.

Datum *N.* ex aedibus Nostris die *N.* mensis *N.* anni *N.*

(Loc. ✠ Sig.)

12.

*N. N.*

*Episcopus N.*

De mandato Illmi. et Revmi. Dni. mei Episcopi.

*N. N.*

*Secretarius Episcopalis.*

**QUALITY OF OFFENCE AND PENALTY IN THE ENGLISH  
LAW FOR THE ADMINISTERING OF OATHS BY PRIVATE  
PERSONS**

REV. DEAR SIR,—In the last number of the I. E. RECORD you quote a Statute of William IV forbidding unauthorized persons to administer oaths, but I have failed to discover in it any mention as to the quality of the offence committed, and the gravity of the punishment to be incurred by transgressors. Would you be kind enough to tell what are the unpleasant consequences which you say may follow the violation of such a Statute?

M. P.

¶ This question would be more properly and efficiently dealt with by an expert in English law rather than by a canonist; however, we will content ourselves with briefly stating what we gleaned about it some time ago when it turned up for our consideration.

We quoted already in our article of the last issue the Statute 5-6 Ch. 62 William IV, containing the prohibition of administering oaths by private persons, and said that although the meaning of it may appear obvious, yet it has given rise to various and different interpretations, and that considering the weight of the arguments put forward by various authorities, we inclined to hold the opinion that the prohibition in question really exists though not sufficiently enforced in practice.

What is, then, the kind of fault that the violation of such a Statute would constitute, and what the penalty attached to it? As to the first part of the question it

will suffice to state the opinion that one of the eminent jurists we consulted on this point gave us some time since. He wrote to us as follows :—

You are quite right in referring to the Statute of William IV,<sup>1</sup> and you are also quite right in pointing out that by the Statute itself no specific penalty is attached. Apparently, however, a person who commits a breach of this Statute may be indicted, and the offence seems to be a misdemeanour.<sup>2</sup> I do not think that the English law would recognize any exception in favour of an ecclesiastical superior administering an oath required by the law of his own religion in religious affairs.

According to that, therefore, the violation of such a Statute would constitute what in law is denominated a misdemeanour. In fact such a name is given to all offences for which no special term has been provided by positive legislation. Misdemeanour, says Russell,<sup>3</sup> is applied to all crimes and offences for which the law has not provided a particular name; whereas those amounting to treason or felony have received legal denominations.

But it is rather a difficult task to state definitely what its nature consists of. Experts speak of it in general terms, and describe it as an act committed or omitted in violation of a public law, either forbidding or commanding it; sometimes they call it a small fault, an omission of no serious consequences, and also refer to it as an offence of a lesser degree than a felony. Of course, when the nature of a felony was well defined, it was comparatively easy to discover what the lighter offence called misdemeanour consisted of, but both offences, felony and misdemeanour, have been so greatly modified of late that the grounds of their distinction, whether founded on their own nature or on the quality and gravity of the punishment, have gradually disappeared, or at least become undiscernible.

It is a pity that a distinction of such importance should be so vague and uncertain, and that distinction would clearly appear if the criminal law of these countries were

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<sup>1</sup> Statutory Declaration Acts, 1835, 5 and 6 Wm. IV, chap. 62.

<sup>2</sup> Cf. Indictment Act, Archbald, *Criminal Law*, 21st edition, p. 948.

<sup>3</sup> Russell, *On Crimes*, Vol. i., chap. iv.

codified on a rational plan. But indefinite as is in theory the nature of misdemeanour, and uncertain the line of demarcation between it and other criminal offences, in practice it is rarely mistaken by judges and jurists, who know by usage the offences classed as misdemeanours. Blackstone,<sup>1</sup> for instance, enumerates several transgressions comprised under that name, and amongst them he mentions an act of disobedience to the king's lawful commands and to any Act of Parliament where no particular penalty is attached. So the disobedience to William's statute forbidding private persons to administer oaths, without threatening any special penalty, seems to answer that description of a misdemeanour.

The rule with regard to punishment when no provision has been made by law is, says Stephen,<sup>2</sup> that every person convicted of a misdemeanour is liable to a fine or imprisonment or both without hard labour, and to be put under recognizance, to keep the peace and be of good behaviour at the discretion of the court. Blackstone<sup>3</sup> makes the same statement. He enumerates, first, several cases of misdemeanour, and then adds that where no particular penalty is attached they are punishable by fine and imprisonment at the discretion of the king's court. If that be so, our correspondent will admit, we feel sure, that the violation of William's Statute may be followed by unpleasant consequences.

S. LUZIO.

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<sup>1</sup> Blackstone, *Com. on English Law*, Book i., chap. i., p. 5 *seq.*

<sup>2</sup> Stephen, *Digest on Criminal Law*, art. 22.

<sup>3</sup> Blackstone, *loc. cit.*

## LITURGY

## HANDLING THE SACRED VESSELS

REV. DEAR SIR,—Rev. James O’Kane, in his invaluable *Notes on the Rubrics*, writes : ‘ In Ireland the law of the Church in this matter has suffered no relaxation, and with us, therefore, no one who is not in Holy Orders ventures to handle the sacred vessels without the leave of the Ordinary.’ If this teaching was correct, as I assume it was at the time, may I ask if anything has since happened to make a more indulgent practice permissible, and if there has, to what extent it may be so ?

D.

The general law of the Church hitherto prevailing in regard to the handling of the sacred vessels has quite recently undergone a certain modification. A Decree of the Congregation of Rites, dated 23rd November, 1906, has made it lawful for all *clerics*—that is those who have received first tonsure—to touch the sacred vessels *tactu immediato*. This permission must be understood to refer to the cases in which these vessels are not in contact with the sacred species, as it is only those in Holy Orders that may touch them in these circumstances. This then is the extent to which the existing law has been relaxed or modified, so that any laic may not handle these vessels without a special privilege or indult which may be obtained from the Ordinary. It happens sometimes that religious Orders have a privilege from the Holy See of permitting lay brothers, who act as sacristans, to handle the sacred vessels. There was also a general privilege of this kind in favour by lay-sacristans in chapels of Regulars granted by Calixtus III and Sixtus IV, but it seems to have been revoked by Urban VIII. The law at the present day may thus be stated :—

(a) When the sacred vessels contain the sacred species they can be touched only by those in Holy Orders.

(b) When empty they may be handled by all who are *clerics*.

(c) Without a special privilege laics may not touch the

chalice or paten once they have been consecrated, nor the ciborium, pyx and lunette after they have come into contact with the sacred species. The monstrance may be handled by a lay person without any privilege, but there is an idea that the practice is scarcely becoming.

(d) In case of repairs, of course, any of these vessels may be touched without irreverence.

If then the practice anywhere exists by which lay sacristans handle the sacred vessels, such a custom is not in harmony with the general law of the Church, and must be traced back to some indult or privilege obtained from the Holy See or other competent authority, if it is to be regarded as legitimate. It should be borne in mind that the irreverence committed by touching, *tactu immediato*, the empty vessels on the part of one who is not privileged to do so is only slight, and that, therefore, any reasonable necessity will excuse from all moral blame. Moreover, for obvious reasons a much less cause is required by members of a religious community who happen to be sacristans than by mere lay persons.

#### FEAST OF ST. BRIGID AND RUBRICS

REV. DEAR SIR,—Would you kindly inform me, through the I. E. RECORD, on the following points: (1) Do religious, who have an *Ordo* for their own Society, require an Indult to celebrate in Ireland the Feast of St. Brigid, and to transfer the Feast marked for the 1st February in that *Ordo*? (2) If such an Indult is required, has it been granted, either in general to the religious of Ireland, or to any Orders in particular? With thanks in anticipation,—Faithfully yours,

PACIFICUS.

As a rule religious who have a *Kalendarium proprium* are bound to conform to it except in a very few particulars. The feasts of the *Patronus principalis loci*, and, in certain circumstances, if the Dedication and Titular of a local church must be celebrated in conformity with the Calendar of the secular clergy. Moreover, outside the case of the purely *local* patron or, in his absence, of the diocesan patron, Religious may also be bound to celebrate the feasts of patrons of

the province or nation—provided that there is an apostolic indult granting the institution of these feasts, and ordering them to be celebrated by *all* the clergy, secular and regular alike.<sup>1</sup> Now St. Brigid is not entitled to the rank of a *Patrona principalis* except for a limited area, but perhaps the Holy See in instituting her feast made its celebration obligatory on all the clergy of the whole country. The writer has not seen any evidence which would go to establish this conjecture. On the contrary facts seem to point in a different direction. It is true, indeed, that in the common tradition of the country, St. Brigid enjoys a veneration almost equal to that bestowed on St. Patrick and St. Columbkil; in popular belief the names of the glorious trio have been linked together indissolubly as the three great spiritual protectors of Ireland. But the liturgy makes a difference in the *cultus* rendered to all three. For while St. Patrick is the principal patron of the entire country, St. Brigid is regarded as patroness in a secondary or loose sense only, and St. Columbkil seems to have lost all claim to be ranked as a general patron in the liturgical meaning of the word.

The same difference marks the rite of celebrating their feasts, St. Patrick being a double of the first class (without an octave, however, because it occurs during Lent), St. Brigid a double of the second class, and St. Columbkil a major double. Up to the 6th August, 1854, the feast of St. Brigid was celebrated as a double major, but in this year owing to representations made by the Irish Bishops, the Holy See raised the feast to the rank of a double of the second class for the whole of Ireland. There is nothing in this concession to indicate that the celebration of the feast was even then made<sup>2</sup> obligatory upon Religious, and, therefore, however much it might be desired that the office of her who, as a correspondent puts it, is the 'Mary of Ireland,' should be entitled to general recognition among all clergy, the conclusion seems to be that so far it has no

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<sup>1</sup> Decr. S.R.C., 10 Jul. '96.

<sup>2</sup> There seems to be no doubt that on its original institution the Office of St. Brigid was not extended to Regulars.

such universal obligation. The feast, accordingly assigned to the 1st February in the *Proprium Kalendarium* of religious must be celebrated, and that of St. Brigid either commemorated or treated as the ordinary rules direct.<sup>1</sup>

**BLESSING WHEN COMMUNION IS GIVEN OUTSIDE A MASS  
'DE REQUIEM'**

REV. DEAR SIR,—I should be greatly obliged, as well as relieved in mind, by your answering the following case, touching on the Rubrics of the Mass :—

A priest is about to celebrate, or has celebrated, in black vestments. He gives Communion, either immediately before he begins Mass, or when he has finished the Papal prayers. Is he allowed by the Rubrics, at either of these occasions, to give the blessing to the communicants, as he would do, were he wearing the white, red, purple, or green vestments ?

SACERDOS INDIGNUS.

No. When Communion is distributed, either immediately before or immediately after a Mass celebrated in black vestments, the blessing is to be omitted. This has been decided by the Congregation of Rites (30th August, 1892).

PATRICK MORRISROE.

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<sup>1</sup> If any particular Order enjoys an Indult for the celebration of St. Brigid's feast, the writer shall be glad to hear of it.

## CORRESPONDENCE

### THE TOTAL ABSTINENCE PLEDGE

REV.' DEAR SIR,—Father M'Kenna in his article in the I. E. RECORD for March, on 'Theological Aspect of a Total Abstinence Pledge,' has opened up a question of very practical importance, and if he can arrive at certain principles that can be easily applied to the solution of all difficulties likely to arise in connexion with a Total Abstinence Pledge, he will have conferred a great benefit indeed on confessors. But I fear he has not yet succeeded in doing so.

To my mind the difficulty is not so much the principles of theology, as the *state of mind* of those who are taking the Pledge and breaking it every day. What do those people, who are for the most part the uneducated classes, think of breaking the Pledge? If one can find out the state of their mind, or conscience, the application of the principles of theology would be comparatively easy.

In the first place I believe that the number of persons 'firmly convinced that the Pledge in all cases imposes a grave obligation in conscience' is very small, if there be any such. Irishmen, and particularly the uneducated classes amongst them, are not, as a rule, given to analysing closely their exact obligations or the degree of guilt attaching to the violation of them. In the matter of taking the Pledge, they are generally disgusted with the misery they are bringing on themselves or their families by drunkenness, and with that inherent and undefined feeling of trust which they have in the power and sacredness of a priest, they go, frequently at very serious inconvenience, to take the Pledge from him. Unfortunately they seldom think of doing what is far more necessary and efficacious by going to the sacraments. What does that unfortunate man think, when he is starting on his journey to take the Pledge, or waiting to get it? Is he weighing the obligation of mortal or venial sin he is about to take upon himself? I do not believe so. He is anxious to strengthen himself against his weakness, and he has some undefined idea that making a promise before a priest will help him. But when he afterwards breaks this 'promise' or 'resolution,' whichever you call it, does he commit sin? The man has no idea of the difference between a promise and a resolution, and so the wording of the Pledge does not matter much. Does he make a promise binding in fidelity under pain of venial sin,

or merely a resolution inducing no additional obligation? I put out of the question the taking of a vow. If you ask him he cannot tell you. We must, therefore, try to learn his state of mind from his way of acting. That he thinks the Pledge induces obligation under pain of *sin of some kind*, I am convinced, for he invariably confesses it when he goes to confession. But strange to say he will frequently confess breaking the Pledge and say not a word about the drunkenness which was the consequence of breaking it. This may possibly be the reason of Father M'Kenna's 'distinguished correspondent' for thinking that 'some people consider this breaking a more terrible thing than a grave sin of drunkenness.' But I cannot come to the same conclusion. I believe it is often the penitent's way of saying he got drunk. No doubt some will say they broke the Pledge by taking a little drink, though they did not at all get drunk. But, as a rule, the man who confesses: 'I broke the Pledge,' or 'broke the Pledge two or three times,' means he drank to excess so many times.

But why do I believe these people do not look upon breaking the Pledge as a mortal sin? I can really give no definite reason. One can get little information from these poor people themselves. They will answer 'no' and 'yes,' to the same question put in different forms. But long experience of the way the sin is confessed makes me believe that those who confess it think they have done wrong, but not very grave wrong by breaking the Pledge. I am keeping out of question the indirect obligation of occasions of sin, etc.

But a practical question is: how far, in what way, the common people should be instructed as to the obligation of the Pledge? I think all will agree that the penitent should not be left under the false impression that he is committing mortal sin every time he breaks the Pledge. But, as I have said, I believe few are under that impression. Is each one to be instructed when taking the Pledge as to the difference between a resolution, a promise, and a vow? For of course the degree of guilt depends upon the conscience of the sinner. If they are to be instructed individually why not at once, and plainly instruct them from the pulpit that the Pledge, as a resolution, induces no additional obligation, and as a promise, induces an obligation of fidelity under pain of venial sin only? Yet, if you do so, I fear the total abstinence advocates will be up in arms against you.

I once had the direction of a large confraternity of men, with weekly meetings, and thought that here, if ever, there should be full instructions on this subject. I prepared a course of lectures on Temperance, and amongst the remedies treated of

the Pledge. I explained the theology of vows, and promises and resolutions, and laid down, as Father M'Kenna does, that the ordinary Pledge cannot be considered a vow, as otherwise it could not be administered wholesale as it frequently is, and concluded that as a resolution it did not *in se* add any new obligation, and as a promise, it was at most a venial sin. Some total abstiners came to me after the lecture and said, 'Father, you have destroyed our work. There will be no more Pledges kept.'

In the present state of affairs I believe people, for the most part, who take the Pledge think they contract an obligation under *sin of some kind*. And though they could not explain themselves, I believe it stands in their conscience, not as a mortal sin but as a sin of want of fidelity to a promise. And as we must choose the lesser of two evils, I believe it is better to leave them under this impression and give the Pledge, even though we have reason to fear it will be broken and venial sin committed. For we may generally hope that it will be kept, at least for a time, and mortal sins of drunkenness be thus avoided.

I am in this letter trying to take a practical commonsense view of a very practical matter, in which from the circumstances the strict principles of theology cannot be applied. If my remarks be otherwise useless, they may, at least, call forth more useful ones.

CONFESSARIUS.

#### THE TOTAL ABSTINENCE PLEDGE

REV. DEAR SIR,—I am inclined to agree with Father O'Brien in the April I. E. RECORD that this Pledge binds under sin—at any rate as a rule. Cannot a person without being otherwise obliged to do so, bind himself under sin to abstain from intoxicating drink for any period? If so, and I think so, then the Pledge as a rule binds under sin. I have often met with people who said they had no Pledge, but had made with themselves a resolution to abstain. So that the ordinary faithful make a distinction between a resolution and a binding promise; and when they take the Pledge they mean a binding promise. It would be a serious—a very serious—matter, to teach that a person not addicted to drink, could not bind himself under sin to abstain, if he really can so bind himself. All who take the Pledge take it from a serious motive: to give up drink, to be saved from contracting the habit, to give good example, etc., etc.—Faithfully yours.

JAS. M'GLINCHEY, C.C.

## DOCUMENTS

### **DECLARATION OF THE STANDING COMMITTEE OF IRISH BISHOPS REGARDING UNIVERSITY SETTLEMENT**

A QUARTERLY meeting of the Standing Committee of the Archbishops and Bishops of Ireland was held, April 16th, at University College, Dublin. There were present :—

His Eminence Cardinal Logue, Archbishop of Armagh, Primate of All Ireland.

Most Rev. Dr. Walsh, Archbishop of Dublin, Primate of Ireland.

Most Rev. Dr. Healy, Archbishop of Tuam.

Most Rev. Dr. O'Dwyer, Bishop of Limerick.

Most Rev. Dr. O'Donnell, Bishop of Raphoe.

Most Rev. Dr. Sheehan, Bishop of Waterford and Limerick.

Most Rev. Dr. Henry, Bishop of Down and Connor.

Most Rev. Dr. Foley, Bishop of Kildare and Leighlin.

Most Rev. Dr. O'Dea, Bishop of Clonfert.

Amongst other matters, the Irish University Question was under consideration. The following letter from the Joint Committees of Catholic Laymen and of the Catholic Graduates' and Undergraduates' Association, enclosing a copy of the Declaration recently issued, with 1,000 signatures attached, was before the meeting :—

84, ST. STEPHEN'S GREEN, DUBLIN,  
*April 15th, 1907.*

*To His Eminence Cardinal Logue and the Most Rev. the Archbishops and Bishops of Ireland.*

YOUR LORDSHIPS,—We, the undersigned, having been instrumental in eliciting an expression of Catholic lay opinion in support of the main features of the Government proposals for the settlement of the University Question, beg to submit for your Lordships' consideration the Declaration which appeared in the Press on the 6th inst., with the long and influential list

of a thousand signatories appended. This, as your Lordships are aware, is but one of a number of declarations to the same effect, recently issued, prominent amongst which are those of the Catholic Graduates' and Undergraduates' Association; the Governors and Faculty of the Catholic University School of Medicine; the Blackrock College Union; the Lay Professors of University College, Dublin; the Associated Catholic Young Men's Societies of Dublin; the Catholic University School Union; the Council of the Catholic Defence Association; the representative public meeting held in the Mansion House, Dublin, under the auspices of the Catholic Graduates' and Undergraduates' Association, the resolutions adopted at which have already been endorsed by the County Councils of Dublin, King's County, Limerick, and Donegal, which alone, amongst the County Councils of the Catholic districts of Ireland, have, as yet, had an opportunity of doing so.

We may add that, since the publication of the subjoined Declaration on the 6th inst., hundreds of additional signatures have been received, and a supplemental list is now being prepared for publication.

These various declarations, taken together, we do not hesitate to describe as constituting an expression of opinion which cannot but be regarded as wholly without parallel in the history of the University Question in Ireland.

Recognizing the grave importance of showing that in this matter the Catholic laity are sustained by the concurrence and practical sympathy of the Hierarchy, we would, most respectfully, urge upon your Lordships the desirability of expressing, in whatever form may seem to you most appropriate, your approval of the action of the Catholic laity in this matter, and your sense of the pressing urgency of the question, and of the duty of the Government to put an end, without further delay, to a state of things, the continuance of which, until now, has, within the past week, been declared by the Chief Secretary for Ireland to be "a disgrace to the Government of the United Kingdom."

Already it has been rumoured, and, notwithstanding the denial of the Chief Secretary, the rumour is still repeated, that the Government has decided not to introduce any University Bill this session, or, at least, not to introduce a Bill at a date sufficiently early to give it any reasonable chance of passing through Parliament. We are confident, however, that if the energetic action of the laity of the country is endorsed by the concurrence of your Lordships, the united forces thus brought into action will so strengthen the hands of our representatives

in Parliamet, as to ensure the early introduction of the proposed University measure.

We have the honour to remain,

Your Lordships' most obedient Servants,

John W. Bacon, M.A., F.R.U.I.

M. M'D. Bodkin, K.C.

Daniel F. Browne, B.A., K.C., Hon Sec. Catholic Laymen's Committee.

M. F. Cox, M.D., F.R.C.P.I., Senator R.U.I., Hon. Sec. Catholic Laymen's Committee.

C. P. Curran, M.A., Hon. Sec. Catholic Graduates' and Undergraduates' Association.

Thomas Donnelly, M.D., M.A.O.

Felix Hackett, M.A., B.Sc., F.R.U.I.

Mary Hayden, M.A., sometime F.R.U.I., Vice-President Catholic Graduates' and Undergraduates' Association.

Patrick J. Hogan, M.A., sometime F.R.U.I.

Charles J. Joyce, M.A.

T. M. Kettle, B.A., M.P., B.L., Hon. Sec. Catholic Graduates' and Undergraduates' Association.

Edward Little, B.A., B.L.

John S. M'Ardle, M.CH., F.R.C.S.I., President Irish Medical Association.

Richard A. Macnamara, Solicitor, Hon Sec. Catholic Laymen's Committee.

John M'Neill, B.A., M.R.I.A., Vice-President Gaelic League.

Edmond J. M'Weeney, M.A., M.D., F.R.C.P.I.

H. C. M'Weeney, M.A., F.R.U.I.

William Magennis, M.A., F.R.U.I., President Catholic Graduates' and Undergraduates' Association.

P. J. Merriman, M.A., F.R.U.I.

Francis Meyrick, M.A.

Conn Murphy, M.A., D.PH.

A. J. Nicolls, LL.B.

C. A. O'Connor, M.A., K.C.

Agnes O'Farrelly, M.A.

John M. O'Sullivan, M.A., F.R.U.I.

P. H. Pearse, B.A., B.L., Editor *An Claidheamh Soluis*

P. Semple, M.A., F.R.U.I.

The letter having been read, the following reply was

directed to be sent to the Secretaries of the Joint Committees :—

UNIVERSITY COLLEGE, DUBLIN,  
16th April, 1907.

DEAR SIRS,—Your letter of the 15th inst. has been received by the Episcopal Standing Committee.

We are directed by the Committee, in acknowledging its receipt, to express to you the great gratification with which the Bishops have witnessed the practical interest that is being taken in the University question by the educated Catholic laity of the country, and the satisfaction with which they have read the Declaration organized by your Committee, and already so extensively signed by representative laymen throughout the country.

The Bishops, recognizing the important service rendered by your Committees in the cause of higher education in Ireland, have thought it right to put on record an expression of what they feel on this subject, in the statement which they are to-day issuing for publication.

We are, dear Sirs,

Your faithful Servants,

✠ RICHARD ALPHONSUS, Bishop of Waterford and Lismore ;	} <i>Secretaries to the Meeting.</i>
✠ HENRY, Bishop of Down and Connor.	

The following Declaration and Resolution were unanimously adopted and directed to be published :—

' The straightforward and distinct announcements that have been made by the late and the present Chief Secretary for Ireland, of the intention of the Government to deal at once with the question of higher education in Ireland, have been received in this country with intense satisfaction.

' After long and weary years in which we have been agitating for this measure of educational reform, as if it were some exceptional privilege instead of one of the most elementary conditions of modern civilization, it has been an immense relief to be addressed by representatives of a Government who not only recognize the justice of our claim, but pledge themselves to deal with it at once in terms that admit of no misunderstanding.

' The emphatic and explicit contradiction by the present Chief Secretary, on the 6th inst., of the mischievous assertion that

the Government had resolved to postpone to another Session of Parliament the introduction of their Bill dealing with this question, has been a further assurance to us of the earnestness and good faith of the Government, and we are now full of hope that before the end of this year we shall see a provision made for higher education in Ireland that will give this country a fresh start in life, and a chance of realizing the hopes of progress which recently have been stirring amongst us.

‘As to the particular plan of reform on which the Government has resolved to proceed, it is, in our opinion, quite possible, within the general outline of that plan, to meet substantially the claims that we have repeatedly put forward on behalf of the Catholic body in Ireland, and at the same time make suitable provision for the general educational interests of the country.

‘In the Memorandum sent in by us on the 25th of July, 1906, to the Royal Commission on Trinity College, Dublin, and the University of Dublin, we stated that in our opinion the Catholics of Ireland would be prepared to accept any one of three plans of settlement of the University Question. That is still our belief ; but at the same time we feel that the Government having, in the exercise of its undoubted right, made its choice amongst these plans, it is our duty loyally and fairly to meet them and give their proposals our most friendly and sympathetic consideration.

‘In the course of the deliberations of the Royal Commission it was suggested that the phraseology which we used in our Memorandum implied that we would accept a College either in the Royal University or in the University of Dublin merely as an instalment of our claims, and would use any concession of the kind as a starting point for further agitation.

‘We desire to state that our meaning was quite different. We intended then to convey, and we desire now to state expressly, that—given an adequate and worthy solution on any of the three plans which we put forward—we are prepared to accept it as final, and, as far as we are concerned, the end of the agitation which we have so long maintained.

‘We recognize that this assurance is due to Parliament as a condition of legislation. Questions so large and so complex as that of University Education in Ireland must be settled, if at all, by a compromise, which means concession on both sides. We, and the Catholic body in Ireland, whose interests we have advocated all through, are conscious of the justice of our full claim to a University which would be in harmony with our religious beliefs and sentiments, and be governed on Catholic principles ; but we are not blind to the fact that the legislation for which we look has to come from a Parliament that is over-

whelmingly Protestant, and that will naturally have regard to the principles which have determined its action in similar cases for Protestants. A Parliament which is largely Protestant, establishing a system of University Education for a predominantly Catholic nation, constitutes a state of things in which compromise is essential to a settlement, and it is in that sense that we have stated that we and our Catholic fellow-countrymen are prepared to accept less than the full claim to which we should be justly entitled.

'On the supposition, then, that the Government gives us an adequate and worthy scheme on any one of the three plans which we put before the recent Royal Commission, we, for our part, shall be prepared to accept it as final, and as the settlement, in our time, of the Irish University Question. Of course, neither we nor anyone else can foresee what the natural development of institutions may bring with it, but on the condition just stated, as far as we are concerned, we shall consider the Catholic grievance as removed, and the whole question closed.

'At the present stage, as is obvious, we cannot go farther than this expression in general terms of our approval of the Government plan of a National University as the basis of a settlement. When a scheme, worked out in full detail, and showing its positive provisions both for the general interests of education, and for the special interests which it is our first duty to protect, has been formulated, we shall be in a position to pronounce a definite opinion upon its merits.

'But while we have to exercise this reserve, we deem it a duty at the same time to state that the directness and frankness of the Government deserves to be met by us, and by the people of Ireland, in the friendliest and most sympathetic spirit, and with the amplest allowance for the difficulties which have to be overcome in dealing with a question of the kind.

'We would, however, most earnestly plead with the Government for immediate action. The people of this country have so often seen their hopes dashed, that any postponement, following on the striking pronouncements by which Ministers of the Crown have, evidently of set purpose, concentrated public opinion on this question, would cause grave disappointment, and if, by mischance, the final settlement was lost through delay, there would of necessity be a strong revulsion of feeling amongst our fellow-countrymen.

'We know that a good deal of the time of Parliament for the remainder of this Session is pledged to another Irish measure of still greater importance, but we must hope that time will be found for both, and that a reform of higher education, which is

essential to a proper exercise of political power by a nation, will accompany the grant of self-government now about to be made to the people of Ireland.

'If this expectation is realized, the present Ministry will have opened a new chapter in our history, and established a claim to the gratitude of our people.

'We cannot conclude without expressing the deep gratification with which we have witnessed the practical interest that is being taken in the University Question by the educated Catholic laity of the country, and the satisfaction with which we have read the Declaration which has recently been signed by them in such numbers, and which, we are glad to know, is still being signed extensively throughout Ireland.

'(Signed),

✠ MICHAEL CARDINAL LOGUE, *Chairman.*

✠ RICHARD ALPHONSUS,  
Bishop of Waterford and Lismore,

✠ HENRY,  
Bishop of Down and Connor,

} *Secretaries  
to the  
Meeting.*

'RESOLVED—That a copy of this Statement be sent to Mr Redmond, as Chairman of the Irish Parliamentary Party, with an expression of the thanks of the Bishops for their invaluable advocacy of the claims of the Irish people in the matter of higher education, and of our confidence that they will lose no opportunity of pushing these claims without delay to a satisfactory settlement.'

## NOTICES OF BOOKS

HISTORY OF IRELAND (1547-1782). Vol. II. By Rev. E. A. D'Alton, M.R.I.A. London: Kegan [Paul, Trench, Trübner & Co. 1906.

It is only a short time ago we had the pleasure of introducing to the readers of the I. E. RECORD the first volume of Father Dalton's *History of Ireland*. We pointed out at the time that it was the work of a critical, impartial, and painstaking author that it was no mere dry catalogue of facts, as too many of such productions are, but a most interesting and captivating narrative, and that it was in every respect far superior to the ordinary publications on the same subject, and likely to become the recognized text book in the study of Irish History. The success of the volume is a sufficient proof of the accuracy of this criticism. Seldom has a book dealing with so contentious a subject been] received with such a unanimous chorus of approbation by critics of all shades of opinion, and that not alone in Irish reviews, but also in England, Scotland, and America.

Encouraged by the favourable reception accorded to the first volume, Father D'Alton did not delay long in giving to the public the second instalment of his work. It covers the period from the accession of Edward VI (1547) till the Declaration of Irish Independence (1782). The author deals at length with the reign of Edward VI and that of Queen Mary, with the wars of Elizabeth and the Plantation of James, with the Kilkenny Confederation, the Cromwellian Settlement, the Restoration, the overthrow of James II, the Penal Laws of the eighteenth century, and the Parliamentary Struggle, ending at last with the Declaration of Independence. Even from this brief enumeration of the subjects treated of, anyone acquainted with Irish history can realize the magnitude of the work undertaken by Father D'Alton, the amount of labour which he must have expended and the number of books which had necessarily to be consulted, before he could have produced such an accurate, impartial, and critical narrative as that contained in the present volume.

'In dealing with these events [writes the author in the Preface] which have stirred up so many angry passions, it is not easy to steer an even keel. Irish history and Irish politics have sometimes been confounded and the historian has often written from the politician's standpoint. He has been a Royalist or a Puritan, a Jacobite or a Williamite, has favoured

Ormond or the Nuncio; he has his thesis to prove, his party to vindicate, his opponents to attack; he has been an advocate and a partisan masquerading as a historian. I have not written in this spirit. I have no thesis to prove, no party to defend or attack; I do not conceive that history is either a panegyric or an invective; I have sought for the truth and told it, regardless of what parties or persons might suffer. I have endeavoured to make the work accurate and impartial, as well as readable. Those who have read the preceding volume have freely admitted that it is marked by these characteristics, and my hope and conviction is that they will find this volume equally so.'

In these words Father D'Alton has briefly indicated the ideals which he kept before his mind in the preparation of his work, namely that it should be accurate, impartial, and readable. We think his readers will agree with us when we say that these high ideals have been substantially realized in the present as well as in the preceding volume. A glance at the authorities cited in the notes, and at the bibliographical list appended to the book, will be sufficient to show that the author has spared no pains to arrive at the truth, and to ensure reliability of treatment. The careful perusal of these sources and literature would have been difficult in any situation, but when we remember the pressing duties that otherwise required Father D'Alton's attention, and the distance by which he is removed from the Dublin libraries, we shall then be in a position to appreciate the industry and perseverance which he displayed in amassing the materials for his work.

Nor about the impartiality of the volume will there be much doubt. In fact some of the author's friends may be inclined to say that in his efforts to appear impartial he is sometimes too severe on the adherents of his own religious or political ideals. We do not for a moment agree with such criticism. Father D'Alton has at times struck hard; he has demolished not a few time-honoured traditions; he has laid bare the true character of some popular heroes; he has, in fine, none of the qualities of the demagogue orator who has too often passed as an Irish historian; but we are convinced that most of his judgments will be found to be based upon uncontrovertible evidence, and that his lack of imagination and enthusiasm was not the least of his many qualifications for the completion of such a work. The captivating style of the former volume is well maintained if not improved upon in the present one. Indeed, it is at times marvellous how the author has managed to combine the conciseness which is demanded by the scheme of his work with the charm of style which characterises his narrative.

It would have been well if with such a perfect sketch of the political history of the country, the author has been able to deal at greater length with the social and literary developments of the seventeenth and eighteenth centuries. It is remarkable how little we know about the real life of the people during this period. The subject is, of course, a difficult one, and at best may prove unsatisfactory ; but still it is not one which the historian can afford to neglect. In this respect Chapter XXVI on 'Writers and Schools' will be read with interest by many. The author deals, amongst other things, with such topics as 'The Bards,' 'Works of Ecclesiastics,' 'Irish Educated Abroad,' 'Irish at Louvain,' 'Colgan and O'Clery,' 'Trinity College,' and 'Writers of the Eighteenth Century.'

The work has been provided with numerous maps and plans, which will be of great assistance to the student ; a careful Index has been compiled, and a list of the books consulted has been appended. This will be found exceedingly useful by those who are anxious for a fuller treatment of any particular question than that given in the present volume. The publishers have done their work well, and the price of the book (12s.) is exceedingly moderate.

In these days when there is such a revival of interest in the study of Irish history, Father D'Alton's book is one that should be in the library of every priest connected with the Gaelic movement, and might not be out of place on the book-shelves even of those who are antagonistic or neutral. Though perhaps a little too complete in its treatment for use in the junior classes of the secondary schools, yet for the higher classes no better text-book could be found, and for any grade of students the extra time required to peruse it will be amply compensated for by the amount of interest which is sure to be awakened.

Father D'Alton deserves the warmest congratulations on the success of his volumes. It is a success achieved in face of great difficulties and only by dogged perseverance. His book is one of which not only his diocese but the Irish Church may well be proud.

J. MACC.

LES ORIGINES DU CHANT ROMAIN, par Amédée Gastoné,  
Professeur de Chant Grégorien à l'Institut Catholique  
de Paris, Consulteur de la Commission Romaine.  
Paris: Alphonse Picard et Fils, Rue Bonaparte.  
Price 12 francs.

THE literature dealing with Plain Chant, already extensive, has recently received some remarkable contributions, amongst

which *Les Origines du Chant Romain* is one of the most noteworthy. The work of an eminent professor, M. Gastoné, it represents almost a life study of a specialist whose literary as well as musical culture is of high repute not merely in Paris, but wherever the work of Church musical reform is in progress. Entering the Conservatoire of Paris as a mere boy, and taking the organ as his instrument, M. Gastoné studied under the celebrated organist M. Widor. At the close of his studies there, he resolved to specialise in the study of sacred music, and encouraged by such men as Dom Pothier and M. Bordes of the Schola Cantorum of Paris, he became a devoted student of Plain Chant. Pius X has said that the sacred chant is and must ever be the humble servant of liturgy, and so the student of sacred chant must be a liturgist as well as a capable musician. Obedient to this ecclesiastical canon, M. Gastoné made himself a master of ritual observance, and it is with an ever present consciousness of the relation between sacred chant and liturgical rites that he has made his researches. The present work has been sent to the press at the instance of Dr. Wagner, of Fribourg, and other admirers of the author who heard his papers at recent musical congresses.

The broad culture of the author and the circumstances that suggested its publication are in themselves a guarantee of the merit of the work ; we venture to add, however, that any careful reader, especially a student of the earliest phases of Church history, will find ample reasons, independent altogether of the recommendations of the author, for regarding *Les Origines* as a classic of its kind. Being purely historical, and based on very patient and elaborate research, *Les Origines* resembles the studies of Mgr. Duchesne and Mgr. Battifol in other departments of ecclesiastical knowledge.

The book embraces four parts which, though apparently distinct, are really portions of one long connected study tracing the chant from origins the most primitive known through subsequent developments and additions, to its reception of a definitive form in the school of St. Gregory.

The whole trend of these eloquent pages bespeaks a solemn reverence for the sacred chant. From the very cradle of the Church in Jerusalem, where Jewish converts made up the little flock, sacred song was intimately associated with holy rite. The strictly proper and characteristic nature of sacred song ; the wide difference between the chant of the Church and profane music ; the jealous watchfulness on the part of the early Fathers to safeguard the development of sacred music, and prevent contamination by the world from which it borrowed artistic features ;

the constant insistence on the words and meaning of the sacred text being the essential feature in all sacred music, and consequently the subordinate part allotted to instruments when used at all; the rhythm of sacred melodies—the free rhythm of eloquence—all these features are exhaustively treated in this admirable work.

A book like *Les Origines de Chant Romain* must necessarily contain some technicalities purely musical. But those who are not musicians need not be afraid. The technicalities are few, and generally so amply simplified by explanation as to render the text easy reading. A word must be said on the immense bibliography unfolded in this series of studies. Some one has said that not the least item of value in the *Encyclopædia Britannica* is the bibliography appended to each article. Of the present work we may say the same. The points at issue are many, and most of them of absorbing interest. Should a reader wish to pursue any special branch that bears on a point incidentally introduced, he is sure to find in M. Gaston's pages references accurate and extensive. Nor are these references confined to ancient works; the last word of a *savant* in many prominent Continental reviews gets its notice. In fact, the references in the notes are of excellent educational value to any reader in that they show what a great *étude* really means.

E. J. CULLEN, C.M.

BIBLIOTHECA ASCETICA MYSTICA. Vol. I.: Arvisenet, *Memoriale Vitae Sacerdotalis*; Bona, *De Sacrificio Missae*.

To praise either of these works would be to paint the lily. Enough to say that they have been reissued, and that both are contained in a small well printed volume. Students preparing for orders and priests, too, will be glad to have an opportunity of getting what have been among the favourite books of their predecessors for generations. One is a guide to a priest in his every action, the other is a compendium of theology and devotions in reference to the highest of all his actions.

J. F. C

*"Ut Christiani ita et Romani sitis."*—"As you are children of Christ, so be you children of Rome."  
(*Ex Dictis S. Patricii, in Libro Armacano, fol. 9.*)

# The Irish Ecclesiastical Record

A Monthly Journal, under Episcopal Sanction.

Fortieth Year  
No. 474.

JUNE, 1907.

[Fourth Series.  
Vol. XXI.]

The Maynooth Synod Decrees.

*Rt. Rev. Mgr. Luzzio, D.D., D.Ph., D.C.L., Maynooth College.*

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*Very Rev. T. P. Gilmanin, D.D., Maynooth College.*

Altar Wine.

*Rev. Patrick Morrisroe, Maynooth College.*

The Diocese and Abbey of Mayo

*Wm. H. Grattan Flood, Enniscorthy.*

'L'Irlande Contemporaine.'

*The Editor, Maynooth College.*

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CANON LAW.

*Rt. Rev. Mgr. Luzzio, D.D., D.Ph., D.C.L., Maynooth College.*

Binding Force, Promulgation and Dispensation of the Maynooth Synod Decrees.

LITURGY.

*Rev. Patrick Morrisroe, Maynooth College.*

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Notices of Books.

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Title and Contents, January to June.

*Nihil Obstat.*

TERENTIUS O'DONNELL, S.T.D.  
Censor Dep.

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## THE MAYNOOTH SYNOD DECREES

**I**T is a great pleasure to us to announce the publication of the Decrees of the second Plenary Council of Maynooth. Interest mingled with a feeling of curiosity to see and examine them had been excited, for some time past, by various rumours as to the important alterations effected in the old statutes and the novelties introduced in the new ones, and it has been enhanced by the delay that unforeseen circumstances had caused in their appearance ; but now that they have been issued and read, we are glad to notice that they have not disappointed the general expectation, and that, on the contrary, they have been greeted with praise and have met with unanimous approbation and satisfaction. Personally, we give them a cordial welcome. A careful perusal of them has placed us in a position to estimate them at their proper value, and to express our appreciation of them ; but even a cursory glance at the headings of the subjects dealt with would enable a casual reader to gain an idea of the momentous and varied provisions therein contained and of the great labour involved in their enactment.

They have come out in a good-sized octavo volume, augmented and perfected. The innovations introduced are not numerous, but all-important and interesting. Dispositions grown antiquated or deemed more or less superfluous have been carefully eliminated, and new ones framed calculated to meet the wants of the latest discipline

of the Church and the requirements of the present historical moment. We have no hesitation in stating that, on the whole, they form a code of ecclesiastical legislation which any country may be proud of, and which reflects great credit on its compilers, who are, no doubt, a body of ecclesiastics second to none in intellectual gifts and in attachment and devotion to their faith and country.

It is gratifying to witness how ecclesiastical discipline and legislation, as well as public religious practices, are favourably progressing in this country, and keeping pace with the gradual development of freedom which the altered conditions of times have made it possible for the Catholic religion to attain in Ireland. Since the celebration of the first Maynooth Synod the Catholic religion has made gigantic strides in its triumphal march towards the vindication of all its rights, and the acquisition of its rightful place amid the confusing variety of religious sects of all denominations and descriptions. Accordingly, public worship and religious practices have been improved and increased; so that the rules formulated in that Synod to regulate ecclesiastical discipline demanded modification, in order to bring them into line with the condition and wants of the Church at the present juncture. This has been done in the second Plenary Council of Maynooth with a competency and success that nobody, we believe, can call in question.

Here we are not going to indicate all the additions and modifications introduced in the decrees under notice. This is not consistent with the limited space allotted to us in this journal. We shall, therefore, content ourselves with indicating their salient features and main innovations by mentioning some of them and drawing attention to others, passing altogether in silence those which appear to be of minor consideration and importance.

1. The first and novel feature which characterizes the issue of the statutes is the publication of a second volume together with that of the decrees. It is the Appendix of the old Statutes which has been separated, increased by a number of other important documents, and published

as a separate book. All agree that the severance of the Appendix from the body of the decrees has proved a skilful and successful operation; for the size and general appearance of the volume has not suffered much in consequence. On the contrary it has afforded the opportunity of having an important Irish pastoral letter added to the first volume, and, above all, quite a number of useful Papal decrees in the second. In this latter volume, in fact, we find nearly all documents of any importance emanating of late from the Roman Congregations, and bearing in some respect or other on the subjects which come within the purview of the Maynooth Synod Decrees. Documents concerning sacred music, Papal delegated powers to ordinaries, the hearing of confessions on board ship, the frequency of Holy Communion on different occasions and to differently circumstanced persons; Papal enactments on the celebration of Mass and all kindred subjects; recent general laws moderating the discipline of the ever-increasing number of religious congregations are but a few of the decrees which find place in this able collection—a collection which is a treasure of canonical notions, a real store of Papal pronouncements and responses of the Roman Congregations, and, in general, a veritable mine of useful and interesting information.

2. Coming now more closely to the Statutes of the Synod, we notice, first of all, that the early part of the book dealing with Catholic faith has been somewhat developed and perfected. The Fathers of the Council warn us, at the outset, to guard against the pernicious errors of Rationalism and Liberalism, indicating what is to be believed and what to be condemned, and wisely recommend that priests in their usual conferences, in addition to cases of conscience, ought to treat of modern baneful doctrines, using, if necessary, a manual approved by the bishop, thus enabling themselves to know and refute them. Two new chapters are added: one dealing with faith and reason, the other with the Roman Pontiff and the Church, briefly explaining the tenets of the Catholic faith in this respect. They fittingly remind us,

in the chapter about profession of faith, that this must be made only before the bishop or the vicar-general, and, finally, in assigning remedies to safeguard the faith, they recommend the practice of spiritual exercises in addition to the usual retreat made by confraternities; the reading of wholesome literature and the institution of parochial libraries according to the system of the 'Automatic Parochial Circulating Libraries;' the appointment of a priest as a member of the committee of public libraries, and as general inspector of the books used in colleges, seminaries and primary schools; and requesting, in fine, to help in any way the Catholic Truth Society which has already done so much service and good to the country during the few years of its existence.

3. The legislation regarding the Sacraments has also been in various points enlarged and improved. In order to secure their proper administration, it is prescribed that priests ought to read often the Rubrics on Sacraments, to keep the sacred vessels in a decent state, to read clearly, reverently, and in Latin, the prayers connected with the administering of Sacraments, and to be willing and prompt whenever their services for this purpose are required by the people. In the baptism of converts, *sub conditione*, the short formula used at present in England will be adopted in this country, according to the privilege obtained by the Irish Bishops from the Holy See, *ad decennium*. Attention is drawn to the Decree of 1878, by which any priest, with the permission of the superior or rector of the church, may give the *Benedictio post partum*, and it is prescribed that a baptismal font must be erected in all parochial churches, and also in those places where, by the bishop's permission, baptisms are usually conferred.

As to the Blessed Eucharist, in addition to the rules already made in the past, some directions are given in the new decrees for the preserving of the Blessed Sacrament with due reverence and safety in priests' houses, whenever it be allowed by the bishop or by the Holy See, if there be question of semi-public oratories. There is a recommendation for instituting everywhere the practice of

*Quarant' ore*, and of establishing pious societies to take charge of the ornamentation of altars. Attention is called to the Roman decrees about the bread and wine to be used in the Mass, and also to the regulations made by the Bishops themselves as to the percentage of beeswax required in candles to be used during the celebration of the Mass.

Dispositions regarding foundation and manual Masses and the first Communion of children are also new and important, but the most important of all is the injunction of not excluding from the church persons who are not able or willing to pay entrance fees, and of taking steps to abolish in the church any distinction between rich and poor, especially when going to Holy Communion. All are equal before God, and all must be regarded as such in His house. There all social distinctions and grades disappear, and only one religion remains common to all which unites all in the same fraternal bond, being all sons of the same Father, all redeemed by the same precious blood.

At the end of this chapter on the Blessed Eucharist we notice that the decree dealing with Gregorian Chant is not up to date on account of its enactment before the issue of the recent Roman documents on that subject; these new documents, however, will be found in the Appendix.

In the Sacrament of Penance a rule of some importance is that which allows parish priests to invite priests of a neighbouring parish, even belonging to a different diocese, to hear confessions of their own parishioners; but the real novelty is to be found in the next chapter dealing with censures.

Justice has its own imprescriptible rights, and nobody is allowed to turn a deaf ear to its claims. Penalty is a medicine which, before its application, demands a perfect diagnosis of the disease. Hence to try all available means in order to find out the existence and gravity of the fault, and to allow any defendant to bring forward reasons and proofs in his disculpation, is the imperative duty of any reasonable and impartial superior. The Church, a perfect

society, and always pleading for fair play and justice, has already made wise provisions for the institution of courts and for the regulation of the complicated subject of ecclesiastical judicature. Adverse circumstances have not hitherto allowed the Irish Church to conform to those rules, nor are times so ripe as to permit, in all cases, their thorough execution, so in the new decrees the Bishops first prescribe that, if possible, a permanent and well-equipped court ought to be established in all dioceses, and the rules laid down in the decree of the Congregation of the Council of 1880 ought to be observed in disciplinary and criminal causes of clerics ; but, in default, they wish that in each case a tribunal be instituted in which, besides the judge, three officials will take part—an advocate, a notary, and a fiscal procurator who will stand by the law, explain and defend it. In the proceedings, at least, the rules of summary trials must be followed in order to pass sentences in accordance with the dictates of equity and justice.

In the chapter dealing with the Sacrament of Extreme Unction, attention is called to the decree of the Holy Office of 25th April, 1906, regarding the new brief formula to be used in case of imminent danger of death ; and, lastly, as to the Sacrament of Matrimony, the Council wish that marriages be celebrated in the forenoon and with the nuptial blessing ; that banns, according to the general law of the Church, be prudently introduced wherever they are not in use, and that matrimonial judicial cases, if any, be tried according to the Instruction of Propaganda of 1883.

The chapter on Sacred Ordination is an entirely new one, and it is not surprising, therefore, not to find it as full and complete as the others. It would have been useful, for instance, to say a word about the recent legislation on excardination and incardination, or, at least, to include in the documents of the Appendix the decrees bearing on that subject ; to assign here the rules for getting dimissorial and testimonial letters ; to make a few remarks on the special title of ordination in missionary countries and give the decree of Propaganda of 1871, and to hint at the irregularity incurred by children

of heretics—an irregularity which is either neglected or completely ignored.

4. No one who reads the words of the Council of Trent (Sess. 22, c. i.), on the line of conduct to be followed by the clergy, can help being deeply impressed by their solemnity and importance. There the Fathers briefly and clearly indicate the dangers that clergymen ought to guard against, the occupations that they are bound to avoid and the tenor of life that they must hold in order to exhibit themselves worthy of the vocation to which they are called. Accordingly, ecclesiastical superiors of all parts of the Church and in all times have made rules developing those of the Tridentine Council on that point, and the Irish Bishops, always alive to the duties of their exalted office, have done likewise on various occasions and Councils. Not speaking of the several provisions on this topic made in the decrees of the Synod of Thurles and in the first Maynooth Council, we briefly mention here only the main innovations introduced in the new decrees. While they make more strict the prohibition of assisting at races, forbidding clergymen to see them even from the vicinity, they relax the other of taking part in hunts by the abolition of the penalty of suspension formerly attached to it. They are loud in their praise of total abstinence, and encourage the institution of total abstinence societies under episcopal sanction. Besides, they recommend the use of sacred pictures for ornamentation of rooms, and prescribe a spiritual retreat every year; advise priests to make their will, and oblige to do so those who are in possession of ecclesiastical property; prohibit unnecessary familiarities and dangerous companies, and make quite clear that those addicted to card-playing are disqualified to be entrusted with the parochial care.

But, perhaps, the most important provision of all is that regarding the examination of young priests. It is prescribed that all priests for five years after their ordination shall be henceforth bound to pass a written and oral examination on subjects assigned beforehand by the bishop, and the result of the examination will be a

great factor in the appointment to the different missions. The same rule is at present in operation in the United States and in the Latin-American Church, and has hitherto proved most beneficial and useful both to the clergy and religion.

5. In the chapter about bishops we should not fail to note the injunction of holding Provincial Synods in the four Provinces of Ireland within a year after the Papal recognition of the decrees, and to make their publication in the diocesan synod of each diocese ; but either in this chapter or under a different heading we see no mention of Canons and Chapters. True, that Chapters in this country are not constituted, nor are they working in conformity with the general law of the Church ; but it is equally true that even in Ireland they are special bodies of ecclesiastics vested with some privileges attached to their office by common law. It would have been well, for instance, to oblige them to congregate some time in the year at the cathedral in order to assist at religious functions in their corporate capacity, and to give the bishop an opportunity of consulting them in matters which he cannot dispose of without their advice or consent ; also to specify their rights and duties according to the Papal rescript of their institution, and advise bishops to erect Chapters wherever they are not as yet in existence.

The principal feature of the chapter dealing with parish priests and, indeed, one of the most important in the whole book, is the provision made for the selection of candidates suitable to take charge of parochial offices. This is the method of 'concursum' established long ago by the Council of Trent ; and which, on account of exceptional circumstances unfavourable to ecclesiastical discipline in Ireland, has not hitherto found its application in the Irish Church ; although ecclesiastical superiors have, in all times, taken different but equally careful steps in selecting local pastors in their dioceses. All agree that those who are to be entrusted with the care of souls must be the worthiest amongst the worthy : it is too delicate and responsible an office to be committed to any applicant without judicious

discrimination. To effectually secure this result, competition is one of the safest and most equitable ways. By it latent abilities are discovered and rescued from obscurity, and through it science and virtue receive their merited reward. We feel sure that this new law will yield to this country the same good results that it has always produced in other lands, and that, therefore, it will be welcomed by all those who have at heart the welfare of the Irish Church and the intellectual advance of the clergy, especially at the present juncture, when it would be deemed nothing short of criminal for ecclesiastics to remain in the rear of the marvellous march of human thought throughout the world. This qualifying examination for parishes, however, as it is quite a new institution for Ireland, requires a special commentary; but being rather difficult to explain the new regulation in a satisfactory manner, we reserve it for future study. Nor are we going to comment on or mention all the new provisions made in the chapter under consideration. It will suffice to say that the law of residence has been further defined by settling some questions about the computation of the time of absence from the parish; attention is called to the decrees about the preservation of the Blessed Sacrament and the Communion of the sick; the custom of omitting the sermon during the summer months has been reprobated, and the law of five minutes' sermon at least in all Masses introduced; practical means are either prescribed or suggested for the building and preservation of churches; exhortations are given to prevent the multiplication of public-houses beyond the reasonable wants of the population, and other rules of minor importance assigned.

6. No startling novelties have been introduced in the department about regulars in general and nuns in particular. We notice, however, that the wording of the new statutes is more accurate than that of the old decrees, and that some expressions, calculated to make difficulties, have been wisely omitted. As to the nuns, then, the Bishops wish to see the independent houses of the same congregation amalgamated, knowing very well what great advantages

would accrue both to the congregations and their members from a hierarchical constitution. Moreover, they forbid nuns to frequent model schools and central female training establishments under the direct management of the National Education Board; and express the desire that a Committee of Bishops be constituted to devise means for the qualifying of nuns both as teachers and nurses. Finally, they inculcate the exact observance of the decree *Quaemadmodum* as to the appointment of extraordinary confessors and the prohibition of the manifestation of conscience.

7. Proceeding further to treat of contentious matters, the Bishops severely condemn the use or abuse of denouncing people in the church, and threaten grave penalties against the offenders. This is an abuse as abominable as it is scandalous, and no ecclesiastical superior ought to tolerate for a moment that the house of God be turned into a place of quarrels and animosities, and ought to punish instantly those who dare convert the abode of prayer into a den of thieves. Moreover, ecclesiastics being the ministers of peace ought to avoid dissension at all times and with all sorts of persons, and on no occasion can they summon other clerics to appear before lay judges without the bishop's consent, or a bishop without the permission of the Holy See. Transgressors may be subjected to ecclesiastical punishments, while an excommunication is incurred by those who appeal to a secular court in matters of the spiritual order and of ecclesiastical jurisdiction. Again, the prescription of erecting ecclesiastical courts to try disciplinary and criminal cases of clerics, given in the chapter dealing with censures, is repeated in this place. But to our mind it would have been of great assistance to give here more detailed information as to the procedure which is at present possible to be followed in judicial cases in ecclesiastical courts of this country. It is difficult as yet to observe all regulations laid down by Canon Law, and it is, on the other hand, so perplexing to know in each case what is to be done

to satisfy the claims of justice and avoid invalidity of the proceedings.

8. In the matter of ecclesiastical property the decrees are most instructive and practical. They assign rules for acquiring and preserving Church property, and amongst other regulations, they give further directions to bishops and parish priests for making their wills in such a way as to secure safety to the goods of the Church. As to the alienation of those goods, we believe that there was more room for explicit and definite rules. According to the famous Constitution *Ambitiose* of Paul II the alienation of Church property without the observance of certain solemnities is null, and those responsible for such an alienation incur an excommunication; which penalty is still in force as it has been confirmed by the Bull *Apostolicae Sedis*, and against which no reasonable custom can prevail. Still, as there is nothing more easily forgotten or disregarded than this law, it would have been useful to mention it expressly and inculcate its strict observance; and likewise to increase and fix, by permission of the Holy See, the the figure and amount of Church property which local ecclesiastical superiors could dispose of in Ireland without complying with all canonical formalities, as the aforesaid Constitution is somewhat antiquated on this particular point.

9. In the section regarding religious education the regulations made are all that can be desired. The decrees bearing on this subject, and already in existence, were almost complete and perfect, but they were still perfected by the addition of some other important rules. They direct, for instance, clerical managers to consult the bishop and get his approval any time they may have to appoint or dismiss principal or assistant teachers. There is a desire, expressed by the Bishops, of seeing introduced, as a general practice, the rule of some dioceses of electing priests as diocesan inspectors of religious education, of having a programme drawn up of religious instruction to be imparted in the different classes of the whole diocese, and of constituting in each diocese a committee of school managers

to look after the interests of primary schools. If schools are under the management of Christian Brothers, they are subject to the laws already in force, enacted in the old statutes and also to those laid down in the Apostolic Constitution *Conditae*.

As it is extremely useful to the Irish people to be instructed in agriculture and technical matters, the Bishops allow students to frequent schools where those subjects are taught, but they forbid them to live with non-Catholics in residential colleges connected with those schools, unless in individual cases the bishop of the place judged otherwise in face of particular reasons and circumstances.

Excellent provisions are made for the education of the youths destined for the sacred ministry, and we welcome, especially, the recommendation made to the superiors of seminaries and colleges, to pay some attention also to the training of the students in the rules of social intercourse. Politeness and accomplishment add immensely to the education of ecclesiastics and religion is made thereby the more loving and attractive. People, no doubt, always like their priests because they are priests, but there is no concealing the fact that they are extremely proud and fond, particularly, of those who are the possessors of a kind and gentle disposition, courteous and refined manners. We hope, therefore, that at least weekly classes, like those in existence on the Continent, may be started in colleges and seminaries in this country, and afford the students an opportunity of being trained in this important branch of ecclesiastical education.

Finally, in order to do away with all possible doubts, the Bishops add a last chapter to the decrees where they clearly express their intention of making the statutes obligatory in conscience, and that they intend to put under such an obligation, grave or light, according to the different subject-matter, all those who are bound to their observance, unless, indeed, it is quite evident from the wording that some decrees are mere advices or exhortations.

This is *per summa capita* the successful work accomplished by the Irish ecclesiastical hierarchy in the compilation

of the new decrees ; a work which cannot fail yielding the beneficial effects for which it was intended. We deem it unnecessary to spend any more words of appreciation of the merits of this book, as it is one which commends itself to the reader and appeals in an especial manner to those who cherish feelings of devotion and love both for their religion and country. Of course we are well aware that some individuals of a hypercritical turn of mind will find and take notice of faults not only of omission, which are unavoidable in the present state of ecclesiastical discipline in Ireland, but also of commission, even the smallest ones, as *legatus* instead of *legati*, p. 88, n. 207 ; *cedet* instead of *cedat*, p. 113, n. 351 ; the word *similiter*, p. 61, n. 64, left there by mistake and so forth. But who is the man endowed with the use of reason expecting to see a work of such magnitude and varied information free from all, even the most insignificant, imperfections ? We congratulate, therefore, the distinguished prelates on the splendid result of their concerted labours, but we are indebted in a special manner to His Grace the Archbishop of Dublin who, amid the multitudinous avocations of his exalted office, has found time to spare and devote to the editing of the decrees, and to whom is due, in a great measure, the signal result achieved in their compilation and publication.

We should be very sorry if we laid aside our pen without expressing also our admiration for the spirit of patriotism which pervades the pages of this book. This is the work both of enlightened churchmen who, being well alive to the spiritual needs of their flocks, make suitable provisions to supply them, and also of true patriots who desire to heal the wounds of their beloved land and further its cause which is the cause of justice. Their enactments as to the formation of the character of the young of the rising generation ; their injunctions, both to the clergy and people, to try all means in their power to expel from their midst the dreadful evil of intemperance and stem the tide of emigration ; their solicitous recommendations of having as their political representatives men who, being lush in name and soul, may by their

co-operation hasten the accomplishment of their common aims and aspirations, are but a few of the many unmistakable proofs of the sentiments which animated the ecclesiastical superiors in framing these laws. To say, in fine, any further word of recommendation of this book to the clergy of Ireland is quite superfluous. They know better than we do its extreme interest and importance, and no word of ours can enhance its value in their eyes. They know that never more than in this case is true the saying of Celestine III, *Nulli sacerdotum liceat canones ignorare*, and that if it is unpardonable to rulers of civil society to ignore the laws of their country, it is equally censurable for ecclesiastics to fail in their duty of acquiring knowledge of the laws which govern the Catholic religion in general and their national Church in particular.

We conclude by expressing our earnest desire and hope of seeing the perfection attained by the laws of the Irish Church soon followed by that of the civil legislation for Ireland. Now that to all appearances old-rooted prejudices have been superseded by fairer counsels, and that her rulers seem inclined to redress her grievances, there is no reason why Ireland, by means of a wise legislation, should not enjoy the freedom and the peace to which any civilized nation is entitled.

S. LUZIO.

## THE STRUCTURE OF THE ROMAN CANON<sup>1</sup>

[N all Mass liturgies there is a part called the *Canon*, *Actio*, or *Anaphora*. It is the most solemn portion of the service, including the Consecration with the prayers which immediately precede and follow. In the present Roman Missal, the part of the Mass from the *Te igitur* to the end is called the *Canon Missae*; but a more accurate nomenclature would apply this designation to the part from the beginning<sup>2</sup> of the *Preface* to the *Pater Noster*. This is the part that immediately centres around the *Actio* or sacrifice. In the most ancient liturgies the *Preface* or Eucharistic prayer is continued after the *Sanctus*, and leads up to the Consecration, while the *Pater Noster* marks the boundary between the prayers after the Consecration and those which lead up to the Communion. The Greeks call this part of the Mass the *Anaphora* (which means offering up), but the word usually means the whole Mass from the *Preface* to the end. Taking *Canon* or *Anaphora* in its more restricted and scientific sense to mean the liturgy from the beginning of the *Preface* to the *Pater Noster*, I propose to discuss, in the light of recent researches, the structure of the Roman Canon.

### I.

A prayer<sup>3</sup> of thanksgiving preceded by some such dialogue as marks the opening of our *Preface* is a common element of all Mass liturgies. It is supposed to have its prototype in the prayer of thanksgiving pronounced by the president at the Jewish Paschal banquet. There was some such prayer pronounced by Christ Himself at the Last

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<sup>1</sup> *Paléographie Musicale*, v. Solesmes, 1896. Avant-Propos. *Liturgia Romana et Liturgia dell'esarcato*, Dott. Antonio Baumstark. Roma, 1904.

<sup>2</sup> 'Alcuni codici et fra essi precisamente i più antichi fanno cominciare la *actio* de Roma proprio col *Sursum Corda*.'—Baumstark, p. 39.

<sup>3</sup> See Baumstark, p. 29.

Supper, and the text of St. Luke<sup>1</sup> makes it plain that it led up to the words of Consecration. It may be admitted, then, that what we call the Preface is one of the elements of Jewish origin in the Mass, and that its retention in the liturgy has the authority of Christ Himself. The variety of Prefaces in the old liturgies is conclusive evidence that neither Christ nor the Apostles fixed the form of this prayer. In the description of the liturgy given by St. Justin (A.D. 150), we read : ' The prayer over, bread, wine, and water are brought ; the officiant prays and gives thanks as long as he is able ; the people answer, Amen. The Blessed elements are distributed to each a part, and are sent to the absent by the ministry of the deacons.'<sup>2</sup>

This would imply that the length of the Eucharistic prayer was not fixed, and that the prayer itself could be improvised by the officiant. The Roman Preface has been reduced to a minimum ; it is the mere skeleton of the copious outpouring of thanksgiving represented, say, by the Clementine Preface. The old Prefaces enumerated in detail the whole catalogue of God's great benefits to the human race, in a style at once majestic, rhythmical, and eloquent. I give the leading points in the Preface of the earliest complete extant liturgy, which is found in the eighth book of the *Apostolic Constitutions*, and which, according to Probst and other liturgiologists, represents the liturgy of the first three centuries. It is commonly called the Clementine Liturgy, and if it does not represent the normal liturgy of the first three centuries, it is certainly the Syrian Mass of the fourth century. I quote the Latin text from Funk's edition of the *Apostolic Constitutions*, published in 1905. After a graphic description of the Offertory, which in its arrangements for decorum reminds us that men, women, and children have not changed much during the past fifteen centuries, the author thus represents the *Pontifex* opening the dialogue of the Preface. It was a dialogue not between the celebrant and

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<sup>1</sup> Luke xxii. 19.

<sup>2</sup> *Apologia*, I., 67.

Mass server, but between the officiant and the congregation :—

P.<sup>1</sup> Gratia omnipotentis Dei et caritas D. N. Jesu Christi et communicatio Sancti Spiritus sit cum omnibus vobis.

R.<sup>2</sup> Et cum spiritu tuo.

P. Sursum mentem.

R. Habemus ad Dominum.

P. Gratias agamus Domino.

R. Dignum et justum est.

P. Vere dignum et justum est, ante omnia laudare te verum Deum . . . solum ingenitum . . . a quo cuncta tanquam e carceribus quibusdam ad existendum processerunt. Tu enim es originis expers cognitio, perpetuus visus . . . qui omnia ex nihilo . . . protulisti per unigenitum filium tuum, ipsum vero ante omnia saecula genuisti . . . pontificem tuum . . . qui ante omnia, per quem omnia. Tu namque, Deus aeternae, cuncta per ipsum condidisti et per ipsum cuncta dignaris convenienti providentia . . . qui per eum ante omnia Cherubim et Seraphim . . . atque post haec omnia per eum fabricasti, hunc qui apparet mundum cunctaque, quae in eo sunt. Nam tu es, qui caelum ut cameram statuisti . . . qui fixisti firmamentum . . . qui lucem ex thesauris eduxisti et illius imminutione induxisti tenebras ad requiem animalium quae in mundo moventur; qui in caelo solem posuisti . . . atque chorum stellarum in caelo delineasti in laudem magnificentiae tuae; qui fecisti aquam ad potum et expurgationem, vitalem aerem ad aspirationem . . . qui fecisti ignem . . . ut calefieremus ac illuminaremur ab eo; qui mare magnum a terra separasti . . . hanc autem circuribus ac indomitis replevisti, variis stirpibus redemisti, herbis coronasti, floribus decorasti, seminibus ditasti; qui constituisti abyssum . . . eamque circum sepsisti portis arenae tenuissimae; qui eam modo ventis in altitudinem montium attollis, modo in planitiem sternis, modo in furorem tempestatis agis, modo, ut navigio cursum facientibus sit ad navigationem facilis, in lenitatem serenitatis ducis; qui mundum creatum a te per Christum fluviis cinxisti, torrentibus proluisti . . . montibus constrinxisti . . . Neque solum condidisti mundum, sed et in ipso mundi civem hominem efficisti et mundi mundum eum constituisti . . . Cum autem mandatum neglegeret et fraude serpentis et mulieris consilio

<sup>1</sup>Orans igitur apud se pontifex una cum sacerdotibus et splendidam vestem indutus stansque ad altare tropaeum crucis in fronte manu faciat ac dicat: Gratia . . . —Funk's *Apostolic Constitutions*, viii., p. 497.

<sup>2</sup>Atque omnes una voce respondeant: Et cum . . . —*Ibid.*

gustaret fructum prohibitum, ex paradiso . . . expulisti, bonitate vero tua . . . ad regenerationem vocasti. Neque hoc solum, verum etiam ex posteris ejus . . . eos qui tibi adhaeserunt glorificasti. Eos vero, qui a te defecerunt, punivisti . . . Tu enim es opifex hominum, vitae largitor, indigentiae expletor, legum lator easque servantium remunerator, transgredientium vindex . . . Tu es, qui Abraham liberasti . . . Melchisedec pontificem . . . designasti, . . . Job victorem serpentis . . . declarasti, . . . Tu Domine non despexisti Joseph . . . Hebraeos . . . liberasti, Aegyptios punivisti. Cumque homines legem naturalem corrupissent . . . non sivistis errore duci; quin potius edito sancto famulo tuo Mose per eum legem scriptam in naturalis adjutorium tribuisti . . .; Aaron et posteris ejus honore sacerdotali decorasti, Hebraeos, cum peccarent, castigasti, cum reverterentur, suscepisti. Aegyptios decem plagis ultus es . . . ex petra dura aquam profudisti . . . Jordanem *dirupisti*, *fluvios Ethan siccasti*, muros prostravisti absque machinis et absque manu humana. Pro omnibus tibi gloria, Domine omnipotens. Te adorant innumerabiles copiae angelorum, archangelorum, *thronorum, dominationum, principatum, potestatum*, virtutum, exercituum aeternorum, *Cherubim ac Seraphim senis alis praediti, binis quidem velantes pedes suos, binis vero capita, et duabus aliis volantes ac dicentes una cum mille milibus archangelorum et denis milibus denum milium angelorum indesinenter ac sine vocis intermissione clamantibus* (et omnis populus simul dicat):<sup>1</sup>

*Sanctus, Sanctus, Sanctus Dominus Sabaoth: pleni sunt caeli et terra gloria ejus; benedictus in saecula, Amen.*

A passing look will reveal the identity of the Roman Preface with the beginning and end of this Clementine poem in praise of God. In the Roman Preface, instead of the bardic recital of God's beneficent works we have a short allusion to a special benefit which makes the Preface suitable to a particular time or festival. In this way we get the ten special prefaces found in the Roman Missal.

The Sanctus is part of the Preface in all the old liturgies. It is in the part immediately following the Sanctus that the Roman Canon begins to differ from all others. Instead of continuing the Preface or Eucharistic prayer up to its climax,

<sup>1</sup> I put this in brackets because it is obviously a Rubric. See Brightman's *Eastern and Western Liturgies*, p. 18.

viz., the Consecration, which is *par excellence* the act or sacrifice of thanksgiving, there have been introduced into the Roman Canon, four or five distinct prayers, viz.: the *Te igitur*, *Memento*, *Communicantes*, *Hanc igitur*, and *Quam oblationem*. Those peculiarities will perhaps be seen best by contrast with the Clementine *Post-Sanctus*, i.e., the part between the *Sanctus* and the words of Consecration. I continue to quote the Latin text from Funk, omitting the amplification of each main idea:—

(Et Pontifex postea dicat). Sanctus enim vere es ac Sanctissimus . . . Sanctus quoque unigenitus tuus filius, Dominus Noster et Deus, Jesus Christus qui . . . non despexit genus humanum, quod peribat, sed post naturalem legem, post legalem admonitionem . . . ex sententia tua ipse elegit, creator hominis, homo fieri, legislator sub legibus, pontifex hostia, pastor ovis; et te suum Deum ac patrem placavit . . . factus ex virgine, *factus in carne Deus verbum* . . . et factus est in utero virginis formator omnium, qui gignuntur; et incarnatus est qui carnis expers; qui sine tempore genitus, in tempore natus est. Vixit sancte et legitime docuit, *omnem morbum* . . . ab hominibus expulit, *signa et prodigia in populo* edidit; cibum et potum et somnum cepit, qui cunctos alimento indigentes nutrit *omneque animal implet beneplacito*; *manifestavit nomen tuum* iis qui illud ignorabant . . . *opus quod ei dedisti, consummavit*. Atque his omnibus feliciter gestis per prodicionem illius . . . comprehensus est manibus flagitiosorum . . . a quibus cum multa passus esset et omnem ignominiam sustinuisset permissu tuo, traditus est Pilato praesidi, iudicatus iudex, condemnatus Salvator, cruci affixus qui pati non potest, mortuus natura immortalis, sepultus vitae effector, ut illos propter quos advenerat . . . a morte eriperet . . . Et resurrexit de mortuis tertia die . . . *assumptus est in coelis, et ad dexteram assidet tibi*, Deo ac patri suo. Memores igitur eorum, quae propter nos pertulit, gratias agimus tibi, Deus omnipotens, non quantum debemus, at quantum possumus, et constitutionem<sup>1</sup> ejus implemus. In *qua enim nocte tradebatur sumpsit panem* sanctis ac immaculatis manibus suis et elevatis oculis ad te, Deum ac Patrem, *fregit ac dedit discipulis* dicens: *Hoc est mysterium novi testamenti, accipite ex eo, manducate, hoc est corpus meum* quod pro multis frangitur in remissionem peccatorum. Similiter calicem . . . *hic est*

<sup>1</sup> καὶ τὴν διάταξιν αὐτοῦ πληροῦμεν.

*sanguis meus . . . quotiescumque enim manducabitis panem hunc et bibetis hunc calicem, mortem meam annuntiabitis, donec veniam.*

In the Gallican and Eastern liturgies, the transition from the Sanctus to the words of Consecration is after this model, only it is more direct and immediate, consisting, as in the Greek liturgy<sup>1</sup> of St. Chrysostom, of only a few sentences,<sup>2</sup> while, as I have said, the Roman Canon is distinguished in this part from all others by its composite and heterogeneous character.

Nor is it only in the part of the liturgy between the Sanctus and the *qui pridie* that the Roman Canon is out of line with other Mass liturgies. The *Unde et Memores* indeed embodies an idea<sup>3</sup> common to all the liturgies, but instead of the direct invocation<sup>4</sup> of the Holy Spirit to sanctify the elements which is found in all the Greek liturgies, and in some Gallican and Mozarabic Masses, there are in the Roman Canon two prayers (*Supra quae . . . . Supplices . . .*) of a different character. Next comes the *Memento of the Dead* and the *Nobis quoque*, which are not found so connected in any other liturgy. The latter contains a curious combination of saints' names and is terminated by a formula ('per Christum Dominum nostrum. Per quem haec omnia semper bona creas . . .') which has no apparent meaning in this connexion, and so we arrive at the Pater Noster, with its embolism *Libera . . .* which, as I have said, is considered the conclusion of the Canon. In the Gallican type of liturgy, the *fractio panis* comes before the Pater Noster, but while the Pater Noster occupies in the Eastern liturgies a position analogous to its Roman position, it is preceded in those liturgies by long prayers of intercession absent from the Gallican liturgies and represented in the Roman Canon by the *Commemoratio pro defunctis* and the *Nobis quoque peccatoribus*. The annexed table will summarise and place

<sup>1</sup> See text in Brightman's *Eastern and Western Liturgies*, p. 385.

<sup>2</sup> For specimens of the short Gallican *Post-Sanctus*, see *Dublin Review*, January, 1894, p. 124.

<sup>3</sup> Called the *Anamnesis*.

<sup>4</sup> Called the *Epiclesis*.

in relief those structural peculiarities of the Roman Canon.

ROMAN	GALLICAN	EASTERN (SYRIAN TYPE)
I. <i>Preface</i> . II. <i>Sanctus</i> , etc. III. (a) <i>Te igitur</i> , etc. (b) <i>Memento</i> , etc. (c) <i>Communicantes</i> , etc. (d) <i>Hanc igitur</i> , etc. (e) <i>Quam oblationem</i> , etc. IV. <i>Qui pridie</i> , etc. (Consecration formula) V. (a) <i>Unde et Memores</i> ( <i>anamnesis</i> ). (b) <i>Supra quas</i> , etc. (c) <i>Supplices</i> , etc. VI. (a) <i>Memento</i> , etc. (b) <i>Nobis quoque</i> , etc. VII. <i>Pater Noster</i> .	I. <i>Preface</i> . <sup>1</sup> II. <i>Sanctus</i> , etc. III. <i>Post-Sanctus</i> .  IV. <i>Qui pridie</i> , etc. (Consecration formula). V. <i>Post Mystera</i> . <sup>2</sup>  VI. <i>Fractio Panis</i> . VII. <i>Pater Noster</i> .	I. <i>Preface</i> . <sup>2</sup> II. <i>Sanctus</i> , etc. III. <i>Post-Sanctus</i> .  IV. <i>In qua nocte</i> , etc. (Consecration formula) V. (a) <i>Anamnesis</i> . (b) <i>Epiclesis</i> .  VI. Prayers of Intercession. VII. <i>Pater Noster</i> .

## II.

So far I have been stating facts which anybody may make out for himself by comparing the published texts of the Roman, Eastern, and Gallican liturgies. It will be seen at once that the main structural difference between the Roman and the other liturgies is in Parts III., v. and vi. The *Post-Sanctus* of the Eastern and Gallican liturgies is a single formula sometimes very short, which connects the *Sanctus* and the formula of Consecration (iv.); between the *Sanctus* and the formula of Consecration in the Roman Canon there are no less than five distinct prayers. How, to begin with, account for this divergence?

One theory<sup>4</sup> is (a) that originally the Roman Canon did not differ here from the Gallican, or rather the Gallican

<sup>1</sup> Called *Confestatio*.

<sup>2</sup> I call the parts of the Greek *anaphora* by their Roman names.

<sup>3</sup> A single variable prayer embodying sometimes an *anamnesis*, sometimes an *epiclesis*, sometimes both, and sometimes neither, called *Post pridie* in the Mozarabic Mass.

<sup>4</sup> See *Dublin Review*, Oct., 1893, and Jan., 1894. *Pallographie Musicale*, v., 1896.

Mass liturgy was identical with that of Rome until about the close of the fourth century ; (b) that certain modifications were then, or later on, introduced into the Roman liturgy, which the Gallican Church did not adopt, among them being the transformation of the Canon.

The arguments by which (a) is supported are, to my mind, far more convincing than the claims of the Gallican liturgy to an independent Eastern origin.<sup>1</sup> There are, no doubt, striking resemblances between the Gallican and Eastern types of liturgy, but the points of contact between the Roman and Gallican liturgies argue a closer family relationship, while there are discrepancies of a fundamental character between the Eastern and Gallican types. But our present point is the structure of the Roman Canon.

Assuming, then, as a working theory, that all our Western liturgies are of Roman origin, and constitute a Latin type which is quite distinct from the Eastern type of liturgy, there remains to account for the unique structure of the Roman Canon. To begin with the *Mementos* of the living and of the dead, and the *Communicantes*, the analogue of those is found, according to some, in the recitation of the diptychs,<sup>2</sup> which came before the Preface in the Gallican type of Mass. The inference, then, would be that they were transferred from this position in the primitive Roman Canon to their present position. So far, however, this remains an *inference*, for there is no direct testimony that such a transfer took place :—

Il y a plus [writes Dom Cabrol] au cours d'une étude sur la messe des morts, nous avons été amené par diverses comparaisons liturgiques à conjecturer que les diptyques dans le canon romain ne sont pas à leur vraie place et qu'en somme, à s'en tenir au développement logique de la liturgie, ils venaient interrompre la suite des prières du Canon et leur succession régulière. Dès lors, ne pourrait-on pas émettre cette hypothèse que peut-être les

<sup>1</sup> The usual Protestant view, according to which the Gallican liturgy came direct from Ephesus in the second century, has been exploded. For an ingenious theory, of an Eastern origin, through Milan in the fourth century, see Duchesne's *Origines*, etc., p. 93.

<sup>2</sup> See Duchesne's *Origines*, etc., p. 208; *Paléographie Musicale*, v., p. 75.

diptyques et le baiser de paix furent primitivement avant le canon dans la liturgie romaine aussi bien que dans le rite oriental.<sup>1</sup>

Dom Cagin<sup>2</sup> suspects that it was St. Gregory who made this as well as other additions to the Roman Canon, while Duchesne<sup>3</sup> is of opinion that the present form of the Canon dates from the beginning of the fifth century. Father Lucas<sup>4</sup> arguing from the words *Memento etiam*, which introduce the formula of remembrance of the dead, and also from liturgical analogy, is of opinion that the two *Mementos* were originally in the Roman as in other liturgies in juxtaposition, but he would find the analogue of the Roman diptychs including the commemorations made in the *Te igitur*, and also in the *Nobis quoque peccatoribus*, not in the Gallican diptychs but in the series of intercessions which follow the Epiclesis in the Oriental liturgies. This view has been arrived at independently by Baumstark and is developed as part of quite an original theory about the structure of the Roman Canon, to which I shall refer later on. All I want to insist on here is, that while such liturgiologists as Duchesne, Cagin, Cabrol, Father Lucas and Baumstark may differ in their view of the circumstances in which the transfer was effected, they are unanimous in thinking that in the present Roman Canon the diptychs or prayers of intercession do not occupy the place they held in the primitive Roman liturgy.

The elimination of the *Commemoratio pro vivis* and of the *Communicantes* would not, however, reduce that part of the Roman Canon between the *Sanctus* and *Qui pridie* to the simplicity of the Gallican Canon. There remain three distinct prayers of oblation, the *Te igitur*, the *Hanc igitur*, and the *Quam oblationem*, neither of which reads like a Gallican *Post-Sanctus*. In his introduction<sup>5</sup> to

<sup>1</sup> *Origines Liturgiques*, p. 360.

<sup>2</sup> *Paléographie Musicale*, v., pp. 76, 166 (note).

<sup>3</sup> *Origines du Culte Chrétien*, 3<sup>ème</sup> Ed., p. 181.

<sup>4</sup> *Dublin Review*, Jan., 1894, p. 119.

<sup>5</sup> *Paléographie Musicale*, v., p. 93.

the Ambrosian Antiphonary, Dom Cagin thought he had found the elusive Roman *Post-Sanctus* in the *Hanc igitur, oblationem*, etc., but on a later page (167) of the same essay he changes his opinion, and inclines to the view that the *Hanc igitur* is a transferred secret in which certain words<sup>1</sup> were afterwards inserted by St. Gregory. The *Te igitur* is not a homogeneous composition. The first part of it as far as the words *in primis* suggests a kinship<sup>2</sup> with the Gallican *post pridie*, which comes after the words of Consecration, while the second part is, in Dom Cagin's opinion, related to one of the Mozarabic formulae which accompanied the diptychs.<sup>3</sup> The *Quam oblationem* is at present grammatically connected with *Hanc igitur*, but it is worthy of note that it is not so connected in what some<sup>4</sup> consider our oldest fragment<sup>5</sup> of the Roman Canon. Here is how it reads in this fragment which is taken from a work entitled *De Sacramentis*, supposed by Duchesne to date from about A.D. 400 :—

Vis scire quia verbis caelestibus consecratur. Accipe quae sunt verba. Dicit sacerdos : *Fac nobis, inquit, hanc oblationem ascriptam, ratam, rationabilem acceptabilem, quod figura est corporis et sanguinis Jesu Christi. Qui pridie . . .*

The opening words (*fac nobis*) of this short formula have no connexion with the *Sanctus*, and I do not know any writer who finds in it either the whole or a part of the supposed primitive Roman *Post-Sanctus*. As Dom Cagin<sup>6</sup> points out, it has rather the character of an *Epiclèsis* :—

Enfin nous en restituerions une quatrième (Epiclèse), en racordant le *Quam oblationem* aux accustifs singuliers, *hostiam sanctam . . .* du paragraphe *Unde et Memores* auxquels ils

<sup>1</sup> The words, namely, 'diesque nostros in tua pace disponas, atque ab aeterna damnatione nos eripi et in electorum tuorum jubeas grege numerari.' Cf. Duchesne's *Origines du Culte Chrétien*, p. 176.

<sup>2</sup> *Paléographie Musicale*, v., p. 93.

<sup>3</sup> *Ibid.*, v., p. 80 (note).

<sup>4</sup> For a different view, see Baumstark, p. 160.

<sup>5</sup> Duchesne's *Origines*, p. 178.

<sup>6</sup> *Paléographie Musicale*, v., p. 95.

se relieut grammaticalement beaucoup mieux que ne fait l'accusatif pluriel du *Supra quae*. Cette dernière supposition offre un avantage et un inconvénient. L'avantage serait de rendre plus frappante encore la similitude entre l'épiclese romaine et certaines structures d'épicleses gallicanes et de faire rentrer une épiclese, exceptionnellement située avant la consecration, dans le rang de toutes les autres épicleses de toutes les liturgies, y comprise la romaine. L'inconvénient c'est de se heurter à un document du VI<sup>ème</sup> siècle, le *de Sacraments* où déjà l'essentiel du *Quam oblationem* précède le *Qui pridie*.

It would seem, then, that we must search in vain among existing documents for a single formula which certainly at one time connected the Sanctus with the *Qui pridie* in the Roman Canon. There is such a formula<sup>1</sup> in an old Ambrosian manuscript for the Mass of Holy Saturday, but this may be regarded as evidence that the Ambrosian liturgy was in this, as in so many other respects, like the Gallican before the Church of Milan adopted the Roman Canon.

### III.

In refreshing contrast with the inconclusive character of Dom Cagin's views on the structure of the Roman Canon is the essay on this subject by Dr. Baumstark. Dr. Baumstark wastes no energy in looking for the old Roman *Post-Sanctus*. It was in his view the continuation of a preface, the model of which is to be sought in the Syrian liturgy associated with the name of St. James. About the *Te igitur*, *Mementos*, *Communicantes*, *Hanc igitur*, *Quam oblationem* as well as about the formulae which follow the words of Consecration, he has definite views. And those views are put forward with an array of argument and copiousness of citation which only experts like Dom Cagin can duly appreciate.

Dr. Baumstark distinguishes three stages in the for-

<sup>1</sup> Duchesne's *Origines*, p. 215; *Paléographie Musicale*, v., p. 61.

mation of our present Roman Canon. There was first an old Roman Canon, similar in structure to the *anaphora* of the particular form of the Syrian liturgy associated with the name of St. James. 'La forma originaria del *Canon actionis* latina era sorella dell' *anaphora* gerosolimitana conservataci in lingua greca e siriana sotto il nome di S. Giacomo fratello del Signore' (page 157). This contained *Preface*, *Sanctus*, *Post-Sanctus*, Consecration formula *Anamnesis*, *Epiclesis*, and prayers of intercession for Church, Pope, etc., as noted above in the column headed Syrian type of Eastern liturgy. The preface was a thanksgiving for the Creation, the *Post-Sanctus* a thanksgiving for the Redemption, the *Anamnesis* was our present *Unde et memores*, the *Epiclesis* opened with the words of the *Te igitur* as far as *illibata*; after the *Epiclesis* came the second part of the *Te igitur*, beginning with *in primis*, which opened the prayers of intercession. These included, with this part of the *Te igitur*, the *Commemoratio pro vivis*, *Communicantes*, *Memento of the dead*, and a part of the *Nobis quoque*.

For reasons which are not discussed, Leo the Great (440-461) was not satisfied with this form of the canon, and introduced into it a pre-Gregorian form of *Hanc igitur*, the *Quam oblationem*, a part of the *Supra quae*, the *Supplices te rogamus* and a part of the *Nobis quoque*. Dr. Baumstark supposes that the *Post-Sanctus* disappeared before this *Hanc igitur*, or rather that it retreated to the other side of the *Sanctus*, where a relic of it remains in the words *per Christum . . . per quem*.

Una certa epoca et più precisamente com' e probabile quella di Leone M. la vide ampliata mediante l'accettazione di pezzi paralleli tolti da una grande prece eucharistica . . . L. *Hanc igitur* pregregoriano, il *quam oblationem*, la maggior parte del *supra quae*, il *Supplices* e parti del *nobis quoque* possono con certezza farsi risalire a questa fonte (p. 157).

The source of those additions he traces with great show of ingenuity to the old liturgy of Ravenna. If one cannot see the reasons why Pope Leo the Great borrowed

from the rite followed in the Exarchate, additions which did not improve the symmetry of the old Roman Canon, there is no lack of reasons why some other Pope should undertake to reduce and improve what Dr. Baumstark calls the Leonine Canon. The form of *Hanc igitur*, supposed to have been introduced by Pope Leo, was itself a long prayer of intercession which was already sufficiently expressed in the *Mementos* of the living and dead; the petition of the *Supplices te rogamus* was practically a duplicate of the *Te igitur*, the *Quam oblationem* a second *Epiclesis*, and the new part of the *Nobis quoque* contained a catalogue of saints which followed close on that contained in the old *Communicantes*. This Pope was found, according to Dr. Baumstark, in the person of St. Gregory (590-604):—

Gregory M. mirando ad accorciare razionalmente il testo liturgico ha cercato di togliere i duplicate originati dalla fusione dei due riti diversi e così é diventato creatore del' ultima forma, sotto la quale il *Canon Missae* ha guadagnato a se tutta la chiesa occidentale (p. 157).

To speak more in detail, he removed the central part from the *Hanc igitur* and added the words *diesque nostros*, etc., dropped the *Epiclesis* which followed the consecration, transferred the *Te igitur*, which introduced it, to its present place, and also transferred the prayers of intercession from *in primis* to the end of the *Communicantes* to their actual position, leaving the *Memento* of the dead and the *Nobis quoque peccatoribus* (with some modifications) in their old positions. And it was, no doubt, in connexion with those changes, if they were effected by him, that he arranged to have the *Pater Noster* brought within the Canon. I take the liberty of reproducing in outline three columns which represent Dr. Baumstark's views in a convenient form, and which, with a fourth column giving the Ravenna Canon, and a fifth containing the liturgy of the *De Sacramentis*, make a fitting appendix to his learned work. He regards the *De Sacramentis* as a Ravenna

document, the liturgy of which is not, as some think, Roman, but local.

OLD ROMAN CANON.	LEONINE CANON.	GREGORIAN CANON.
I. <i>Preface</i> .	I. <i>Preface</i> .	I. <i>Preface</i> .
II. <i>Sanctus</i> .	II. <i>Sanctus</i> . . . .	II. <i>Sanctus</i> . . . .
III. <i>Post-Sanctus</i> .	III. (a) <i>Hanc igitur</i> . . . (long form). (b) <i>Quam oblationem</i> . . . .	III. (a) <i>Te igitur</i> . . . in primis . . . <i>cultoribus</i> (b) <i>Memento</i> of the living. (c) <i>Communicantes</i> . . (d) <i>Hanc igitur</i> (short form), with addition of words <i>diesque</i> . . (e) <i>Quam oblationem</i> .
IV. Formula of Consecration.	IV. Consecration formula.	IV. Formula of Consecration.
V. <i>Unde et Memores</i> . . ending in the words, ' <i>Supra quae propitio ac sereno vultu respi- cere digneris.</i> '	V. (a) <i>Unde et Memores</i> . . . . as in old Roman Canon, with the addition ' <i>et accepta habere sicut</i> ' . . . as in Gregorian Ca- non. (b) <i>Supplices</i> . . . .	V. (a) <i>Unde et Memores</i> . <i>Supra quae.</i> (b) <i>Supplices</i> .
VI. <i>Te igitur</i> . . . . <i>il- labata</i> ( <i>Epiclesis</i> ).	VI. <i>Te igitur</i> . . . . <i>il- labata</i> . ( <i>Epi- clesis</i> ).	VI. ( <i>Epiclesis</i> <sup>1</sup> dropped.)
VII. Prayers of Intercession. (a) <i>In primis</i> . . . (b) <i>Memento</i> of living. (c) <i>Communica- tes</i> . . . . . (d) <i>Memento</i> of the dead. (e) <i>Nos quoque pec- catores famulos tuos de multi- tudo miserationum tuarum sperantes intra Sanctorum tuo- rum consortium, non aestima- tor meriti, sed venia, quae- sumus largitor admitte per Christum Do- minum</i> . . . .	VII. Prayers of Intercession. (a) <i>in primis</i> . . . (b) <i>Memento</i> of living. (c) <i>Communica- tes</i> . . . . . (d) <i>Memento</i> of the dead. (e) <i>Nobis quoque peccatoribus</i> . . . . . . (Marcel- lino Petro ?) . . . . . (Lucia Agade Caeci- lia Anastasia ?) . . . . <i>largitor admitte per Christum Do- minum</i> . . . .	VII. (a) <i>Memento</i> of the dead (b) <i>Nobis quoque</i> . . . } Relics of prayers of intercession left here.

<sup>1</sup> Dr. Baumstark maintains as certain that there was an *Epiclesis* in the Roman Canon in the time of Pope Gelasius (492-496), but its form seems as difficult of discovery as that of the Old Roman *Post-Sanctus*.

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The part of the Roman Canon between the words of Consecration and the *Pater Noster* present not only problems of structure, but also dogmatic difficulties, all of which could not well be discussed within the limits of this paper. I hope to be permitted in a future number of the I. E. RECORD to deal with them, and also to indicate in outline the evidence on which Dr. Baumstark has built up his ingenious and original theory about the development of the Roman Canon.

T. P. GILMARTIN.

## ALTAR WINE

**I**N an instruction, addressed to the Bishops of the Universal Church in August, 1901, the Congregation of the Holy Office directs their attention to the care and diligence that should be employed in the selection of genuine matter for the Eucharistic sacrament and in the conservation of the sacred species. It having been brought under its notice from time to time that unscrupulous merchants do not hesitate even to adulterate the bread and wine required for the holy sacrifice of the Mass, the Council exhorts bishops to use all their pastoral solicitude in discovering such fraudulent practices, wherever they have reason to suspect their existence, and in taking measures to secure that for the future the strict letter of rubrical legislation shall be carried out in regard to every detail that belongs to the exact performance of this great act of sacrificial worship. The reasonable anxiety of the Church on this head can easily be understood by everyone who appreciates the value of the Christian sacrifice. Who, that does so, can contemplate without a feeling of the most utter dismay the possibility of an invalid Mass? Yet, if either the bread or the wine employed is not of the proper quality will not the sacrifice be void? It may, indeed, be a debateable question among theologians whether the Eucharistic sacrament may exist under one kind, but, whatever may be said on this point, it is now commonly asserted that the consecration of both species is necessary to express and represent, completely and adequately, the bloody tragedy of Calvary and so to perfect the sacrifice of the new dispensation.<sup>1</sup>

To this view the *Praxis Ecclesiae* may be said to lend countenance. For whenever it has been clearly established that either species consecrated was of certain or doubtful validity, the Church has always taken the precaution of

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<sup>1</sup> Cf. De Lugo, *De Sac. Mis.*, Disp. xix.

making good, from the riches of her treasury, the spiritual deficit possibly resulting to those for whom such Masses were offered, and of extinguishing the obligations in justice undertaken by priests in regard to them.<sup>1</sup> In the Instruction that is being considered these words occur: 'Quod demum spectat ad missas dubia materia antehac forte celebratas ad S. Congregationem recurrant.' Is it not, then, clearer than the light of day that it is impossible to exaggerate the seriousness of the obligation and responsibility that rest upon those who are in any way charged with providing proper matter for the worthy celebration of the sacrifice of the Mass? Some time ago the writer had occasion to refer in another department of the I. E. RECORD<sup>2</sup> to altar-breads and the conservation of sacred hosts. Since then he has had many enquiries addressed to him on the subject of altar-wine. This correspondence goes a very long way to prove to him that, whether quite justified or not, there exists at the present moment a pretty widespread impression that a good deal of the wine supplied in these countries for the use of the altar is not up to the standard required by ecclesiastical legislation. That it is invalid does not exactly appear, and this is, so far, a thing to rejoice in, but evidences are not wanting to show that in many cases it is absolutely illicit. It will not, therefore, be altogether without profit for readers to direct attention to the enactments on the subject of altar-wine that are contained in the rubrics of the Roman Missal and in the decrees of the Sacred Congregations, and also to note, here and there, some of the malpractices that are indulged in for the purpose of tampering with its purity and genuineness. After the method suggested by theologians it will be convenient to consider in order—(1) valid matter; (2) certainly invalid matter; (3) doubtful and illicit matter, and (4) licit matter.

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<sup>1</sup> Cf. Col. Prop. de Fid., n. 702.

<sup>2</sup> Feb.-March, 1904.

## I.

## CERTAINLY VALID MATTER

The wine which is above all manner of doubt valid matter for the sacrifice of the Mass is the fermented product of the ripe grape; the juice, that is to say, that has been expressed from the mature grape by the process of fermentation, and which has not become corrupted [and undrinkable, or otherwise substantially vitiated. This it is which means wine in the popular acceptance of the word and corresponds to the *vinum de vite* prescribed by Eugene IV in his *Decretum ad Armenos*, and to the *genimen vitis* referred to by our Lord.<sup>1</sup> The taste and colour, being mere accidents which depend on the quality of the particular grape and on certain slight modifications in manufacture, are immaterial. But liturgists say that while the red wine is more expressive in its symbolism, and less likely to be mistaken for water, the white has this advantage that it leaves no stain should it happen to be brought into contact with the altar-linens. Connoisseurs, too, are wont to express a decided preference for the latter as being generally purer and more conducive to healthiness.

## II.

## CERTAINLY INVALID MATTER

Any liquid that is manufactured from a fruit other than grapes or that is made from grain, such as cider and beer, is invalid for purposes of the Mass. The same remark applies to the product of unripe or immature grapes, or to wine which has undergone a substantial change. The Rubrics of the Roman Missal<sup>2</sup> have it thus: '*Si vinum sit factum penitus acetum, vel penitus putridum vel de uvis acerbis seu non maturis expressum, vel si ad mixtum tantum aquae, ut vinum sit corruptum: non conficitur sacramentum.*'

(1) If, therefore, wine becomes essentially soured and converted into vinegar, it ceases to be valid since a different

<sup>1</sup> Matt. xxvi. 29.

<sup>2</sup> *De Def. in Missa*, tit. iv., n. 1.

synthesis results, vinegar being due to a combination of the alcohol of the wine and the oxygen of the air. Such a change is easily detected, and is generally brought about by long exposure to the air in given circumstances.

(2) Should the wine become so putrid or corrupt as to be undrinkable it will be invalid, as this implies essential vitiation.

(3) If the grapes used are very unripe and immature, so that the liquid obtained cannot be drunk, the wine is not valid. Thus Gasparri:<sup>1</sup> '*Liquor ex uvis omnino acerbis ita ut nullam habeat vini potabilis speciem est materia invalida.*' But where the unripeness is inconsiderable, so that the resulting slight acidity in taste can be easily corrected by the addition of a small amount of sugar, then the product will not be invalid at all events, and it may not be even illicit if the quantity of sugar added is very small.<sup>2</sup>

(4) The addition of water tends, of course, to reduce the quality of the wine, and to destroy the proportion that exists between its constituent elements. Theologians<sup>3</sup> say pretty unanimously that if the amount of water added exceeds, or is equal to, the quantity of real wine, the resulting liquid is certainly invalid matter. It is probable that a smaller percentage of water would invalidate the wine, but it is not easy to determine mathematically the precise point at which, if you go on adding water to real wine, the latter would cease to be itself and become something altogether different.

### III.

#### ILLICIT AND DOUBTFUL MATTER

While as a general rule there is very little difficulty in discerning valid from invalid matter in regard to wine, the same is not at all true in deciding what exactly is lawful and what is not. Here the line of cleavage is much more limited. There is another and much more important difference between invalid and illicit matter and it is this,

<sup>1</sup> *De Euch.* ii., n. 818.

<sup>2</sup> Genicot, *Theol. Mor.*, ii., n. 171, 2°.

<sup>3</sup> Gasparri, l.c., n. 821.

that whilst the former may never be employed the latter may be availed of in certain cases of recognized necessity. At the same time the respect due to the laws of the Church, and above all, the reverence that ought to be extended to the sacrifice of the altar, should make attention to all the details, pertaining to the dignity of this great sacrificial act, a point of the most conscientious observance. The following text of the rubric may suitably preface further remarks: '*Si vinum coeperit accesscere vel corrumpi vel fuerit aliquantulum acre, vel mustum de uvis tunc expressum vel non fuerit admixta aqua, vel fuerit admixta aqua rosacea seu alterius distillationis: conficitur sacramentum sed conficiens graviter peccat.*'<sup>1</sup>

1°. It has been said that a substantial change vitiates the wine and renders it unsuitable. Where, however, it has only just begun to show signs of corruption, and where the change has not gone very far, the wine will be valid but illicit. The incipient symptoms of corruption are manifested by a sourness or bitterness in taste and by the formation on the surface of a musty scum. But care must be taken to distinguish between the acrimony in taste, which is an indication of deterioration, and the natural acidity which is peculiar to a certain kind of grape and is due to the presence of tartaric acid. A question was put to the Congregation of the Holy Office whether this tartaric acid might be eliminated by the addition of tartrate of potash, and the answer was '*non expedire.*'<sup>2</sup> Sourness of flavour is sometimes an evidence of unripeness in the grape. Wine that is only slightly acid or soured may be used in cases of necessity, and even if the acidity was more pronounced the use might still be justified if the urgency was greater, provided, of course, that there was certainty that the liquid was substantially sound.<sup>3</sup>

2°. Formerly it was a moot-point as to whether 'must'—the unfermented juice of the grape—was valid matter. At present there can be no doubt about its validity, for the

<sup>1</sup> *De Def. Mis.*, tit. iv., n. 2.

<sup>2</sup> S.C.S.O., 27th April, 1902.

<sup>3</sup> Genicot, l.c., n. 171, 5°.

Church has recognized the lawfulness of its employment in an emergency. 'Si necesse sit, botrus in calice exprimatur et aqua misceatur.'<sup>1</sup> The necessity, however, must be of no ordinary kind that would make its use lawful, as it is expressly forbidden by the rubric already referred to. Moreover, must contains lees and dregs (*faeces*) that are not fit for consecration. To render it suitable, therefore, for this purpose the must should be subjected to the process of fermentation. This is a chemical change which juices that contain sugar undergo under certain conditions. Its essence chiefly consists in the conversion of the sugar into almost equal parts of alcohol and carbon dioxide, and in the formation of various acids and ethers. The percentage of alcohol, accordingly, in the wine will be equivalent to about half the amount of sugar in the must, provided that fermentation is allowed to fully develop, for often its progress is arrested with a view to securing greater sweetness.<sup>2</sup> It will thus be seen that the richer the grape, the greater is the quantity of sugar in the must, and consequently after alcoholic fermentation the more generous will be the resulting spirit. A knowledge of the percentage of alcohol that should be present in ordinary wines will be usefully borne in mind in view of what is to be said later on about their preservation.

Some time ago the suggestion was made by a respected correspondent in the I. E. RECORD,<sup>3</sup> that it was probably unfermented wine that was used at the Last Supper, as the Jews were not likely to be acquainted with the art of fermenting their wines. There does not appear to be any reasonable ground for hazarding this conjecture. On the contrary, the evidence points altogether the other way. From the multitude of Scriptural references to *wine*, *wine-press*, etc., the Jews appear to be very familiar indeed with the details of the manufacture of an article that formed a portion of daily dietary since the days of

<sup>1</sup> Apud Gasparri, v. ii., n. 819.

<sup>2</sup> A typical analysis of unfermented grape must give the following approximate proportions: Water 70 per cent., sugar 23 per cent., extractives 4 per cent., free acids, minerals, etc., 1 per cent.

<sup>3</sup> December, 1904.

Noe, and whatever secrets might have been undiscovered by themselves could easily have been learned from the Egyptians, Assyrians and other neighbouring peoples whose civilization was much more advanced.<sup>1</sup> Even the common folk, as appears from the Acts of the Apostles (ii. 13), were quite well acquainted with the qualities of this beverage, and could differentiate easily between the old, matured article and the new, heady, inferior stuff to which they gave credit for conferring upon the Apostles on Pentecost day their marvellous powers of language. Now may we not suppose that on the great solemn festivity of the Pascal Supper the Jews brought forth from their cellars their choicest brand, and that the fourth cup, that, viz., consecrated by our Lord, was of this character?

3°. It is of grave obligation to mix a little water with the wine that is poured into the chalice for consecration. This water must be natural, and not artificial such as is obtained from flowers by distillation. The smallest appreciable quantity is sufficient, and it should not exceed the third part of the wine under any circumstance.<sup>2</sup> Even so much as this might easily render weak wines doubtful matter. The Church never dispenses in this rubric, which is regarded as coming down from Apostolic times. It is probable that our Lord Himself, borrowing the custom from the Jews, set the example which has been ever since so faithfully followed by His successors in the ministry.<sup>3</sup> Motives of symbolism also are not wanting to emphasize the congruity of a practice that typifies the duality of Christ's nature, and recalls to memory the mysterious issue of blood and water from the side of the dying Saviour. To theologians must be referred the discussion of the interesting but speculative question as to what becomes of the few drops of water. That they are changed into the precious blood is now the accepted

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<sup>1</sup> See articles in *Jewish Encyclopædia, Dictionary of Jewish Antiquities*, etc., on methods of making wine in use among Jews and Easterns.

<sup>2</sup> Authors apud Liguori, *T. M.*, lib. vi., n. 210.

<sup>3</sup> V. Gehr, *La Messe*, ii., p. 214, item Brev. Rom. Off. 3 Mai, where it is stated that Pope Alexander introduced this custom at Rome.

opinion, but whether this conversion is wrought *immediately* or *mediately* is a point of contention in the schools.

4°. Wine made from dried grapes or raisins.—For the greater facility of transit grapes are sometimes dried before exportation, so that they lose a quantity of their natural water and are much lighter in weight. On being imported these raisins are infused in water which they absorb for some hours. Then they are submitted to the wine press and treated in the usual way. Now, is this product a proper wine for the altar? This question was asked and the Holy Office returned the diplomatic answer, 'licere, dummodo ex colore, odore et gustu dignoscatur esse verum vinum.'<sup>1</sup> This reply is not very decisive.<sup>2</sup> In the first place it seems to impugn the character of the wine obtained by this expedient. Next, if there is no fermentation the liquid extracted is mere must, which the Congregation would not sanction. Furthermore, the introduction of extraneous water into the fruit raises suspicions about the genuineness of the wine. If, however, the extract is the result of fermentation, and if the quantity of water absorbed by the raisins does not exceed what they originally lost by evaporation whilst being dried, authors say that it may be licitly employed for the Mass.<sup>3</sup>

5°. Artificially made wines.—The progress of modern sciences, and especially chemistry, has now reached so much perfection that it is quite possible by artificial means to produce a liquid that has not only all the appearances of real wine, but also simulates so skilfully the genuine article that none except, perhaps, the competent analyst can detect the fraud. It is said that any amount of stuff of this kind that does not contain a single atom of grape juice in its composition is palmed off by unscrupulous traders on ingenuous and unsuspecting customers. That this sort of thing is absolutely invalid matter for the holy sacrifice needs no demonstration. In no sense can it be said to be *vinum de vite*. But suppose that the chemicals

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<sup>1</sup> Coll. Cong. de Prop. Fide, n. 705; S.O., May, 1879.

<sup>2</sup> Cf. *Rev. Theol. Fran.*, Sep. 1905.

<sup>3</sup> Gasparri, l.c., n. 815; Lehmkuhl, *Theol. Mor.*, v. ii., n. 119.

employed in its manufacture have themselves been derived from the grape? In this hypothesis the matter would still be illicit, but some theologians appear to think that it might be valid.<sup>1</sup> Time and again the Holy See has admonished prelates in these countries where the vine is not cultivated, to impress on priests the necessity of exercising the greatest caution about the wine used in the Mass, 'quo omne nullitatis periculum a Sacrificio Altaris, quod supremus est religionis actus, penitus arceatur.'<sup>2</sup>

6°. *Lora*.—This is the name by which theologians designate an inferior spirit manufactured by infusing with skins and dregs, that remain in the pressing tank after the clear liquid has been raked off, a quantity of water, and then causing this mixture to ferment by the addition of sugar and other predisposing ingredients.<sup>3</sup> This sort of wine has been expressly forbidden for altar purposes, and it may even be altogether invalid if the quantity of water added is considerable, for in this case it is not easy to see how the liquid produced can contain any appreciable amount of the juice of the grape in its composition.

7°. Fortified or brandied wines.—Average wines contain naturally about twelve per cent. of alcohol. The precise amount depends on the richness of the grape and the sugar in the must. Fermentation is not always allowed to fully develop, and sometimes if the must is very rich, it does not succeed in transforming all the saccharine matter into its equivalent of alcohol. There is, therefore, as a rule, more or less sugar in most wines, and this together with other disposing causes has a tendency to set up secondary fermentations after the liquid has been transferred to wood or bottles so that the wine is liable to become muddy, turbid, and even corrupt. This is especially to be apprehended when wines are exported by sea to other countries. To counteract this danger various expedients are employed to give stability and firmness to the wine, and so minimize the risk of deterioration. Of these methods many, while securing preservation, introduce deleterious elements and

<sup>1</sup> Genicot, l.c., v. ii., n. 171.

<sup>2</sup> Cf. Col. Prop de Fide, n. 702, etc.

<sup>3</sup> Gasparri, l.c., 821.

thus lower the quality from the liturgical point of view. But there are two which have met with approval from the Church. One of them is the method commonly adopted for preserving wine, and it will be useful, therefore, to see the attitude adopted towards it by Church legislation.

In 1887 the Bishop of Marseille explained to the Council of the Holy Office, that as preservatives of wines two methods were in vogue, viz. : (a) the addition of alcohol, and (b) the raising of the wine to a temperature of 65 per cent., and asked which of the two might be more safely recommended. The Congregation replied that the latter method was to be preferred. After the lapse of a few years this same bishop again approached the Holy Office, and having stated that the wines in his district were so weak that they could not keep for a sufficiently long time unless strengthened by the admixture of alcoholic spirit, wishes to know (1) if alcohol might be thus used ; (2) if so, how much and of what quality. The reply to this petition was that alcohol might be used, provided that it was the pure extract of the grape, that the quantity added, together with what the wine naturally contained, should not exceed twelve per cent., and that the infusion took place while the wine was still fresh (*valde recens*).

In 1891 the Archbishop of Tarragona enquired if the custom of adding ten per cent. of alcohol to the rich wines of his country for preserving them might be followed, and if the wines so fortified might be used for the Mass. The reply was : 'Negative in ordine ad Missae Sacrificum.' Finally, the Archbishop of Tarragona once more presents a case to the Holy Office. Having explained that the twelve per cent. of alcohol, permitted by the response to the Bishop of Marseille, was not enough to allow the rich Tarragonian wines to be exported with safety to foreign countries and that the lowest percentage at which the export of these wines could be undertaken without serious risk was eighteen per cent., he requested permission for the merchants of his archdiocese to fortify their wines up to this degree before exportation. The answer to this

appeal is worth giving in full as it represents the last word of the Holy Office on the subject :—

Attentis noviter deductis, dummodo in casu proposito spiritus extractus fuerit ex genimine vitis et quantitas alcoholica adjungenda una cum ea quam vinum de quo agitur naturaliter continet, non excedit proportionem 17% aut 18%, et admixtio fiat quando fermentatio tumultuosa, ut aiunt, defervescere inceperit, nihil ob stare quominus idem vinum in Missae Sacrificium adhibeatur. (Aug. 1896.)

This reply, accordingly, exhibits the high-water mark in the matter of the alcoholic fortification of altar wine permitted by Church law. It is not lawful to exceed eighteen per cent. ; the spirit used must be the pure extract of the grape ; and the admixture must be made when the effervescence caused by fermentation begins to cool. It is commonly assumed that the concession here granted may be availed of in circumstances similar to those set forth by the Archbishop of Tarragona, but it seems to be the general law that the twelve per cent. limit should not be exceeded except in cases of like necessity. When wine is raised to a very high temperature the germs that set up after fermentations are destroyed, and the danger of deterioration is considerably, if not completely, eliminated. This method is said to have been devised by Pasteur, and it is recommended by the Church as the safest preservative. Sometimes, however, it is the must that is thus operated on, and this practice having been brought under the notice of the Holy Office received only a qualified approval. The following is the reply made by the Congregation when asked about its lawfulness : ‘Licere, dummodo decoctio hujusmodi alcoholicam fermentationem haud excludat, ipsaque fermentatio naturaliter obtineri possit et de facto obtineatur.’<sup>1</sup> Provided, then, that the boiling of the must does not prevent fermentation arising in the natural way, the practice may be lawfully followed. These two methods, therefore, of preservation, viz., adding of alcohol and raising of the temperature, may be licitly resorted to subject to the limitations set forth. Doubtless there are many other ways well known to manufacturers (such as the

<sup>1</sup> S.C.O., 22 Mali, 1901.

introduction of acids and other heterogeneous elements) that are also popular, but there can be no doubt that these could not be sanctioned by ecclesiastical authority should they tend to injure and prejudice the natural quality of the liquid.

8°. Adulteration of wine.—To impart colour, flavour, bouquet and sweetness to wines are very desirable objects on the part of those who have to cater for the varied tastes of the consuming public. The operations by which these results are achieved tend, as a rule, to impair the purity and naturalness of the wine, and thus affect its true quality or genuineness. Adulterated liquids of this description may not be employed for the use of the altar. As an indication of the extent to which adulteration is practised, it may be mentioned that of thirty-two samples of the best brands of sherry wine obtainable, a careful analysis revealed that 'not one could be regarded as the pure and natural product of the grape alone.'<sup>1</sup> If the form of adulteration consisted merely in the addition of extraneous alcohol, this would not, according to what has been said, unfit the wine for altar use, unless the amount added were excessive; but other forms revealed by the analysis (such as *plastering*—dusting over the must with plaster of Paris or sulphate of lime—and introducing cane sugar, lead and deleterious acids), undoubtedly unfit the wine for the service of the Church.<sup>2</sup>

#### IV.

##### LICIT MATTER

From what has been said it will be clear that the wine, that is licit matter for the Mass, must be genuine and natural, that is, the fermented produce of the grape juice, without the addition of anything that could be regarded from the point of view of the Church as deleterious to its native qualities. This being so, the practical question arises, where, or how, might wine of this quality be best procured?

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<sup>1</sup> Hassal, *Food : its Adulterations*, etc., p. 770.

<sup>2</sup> A sample of altar wine was analyzed by a competent analyst for the writer. It was pronounced to be rich, sweet wine, containing about 16 per cent. alcohol (by volume) and nearly 10 per cent. sugar. The extra spirit must, therefore, be rather considerable.

To have altar wine manufactured under the auspices and direct supervision of ecclesiastical authority, as it was the custom to do in former times and as it is still done in some places at the present day, would indeed be the ideal state of things, but its realization in this country is beyond the region of practical endeavour.<sup>1</sup> The best and only thing, therefore, to be done is to fall back upon some reliable and conscientious Catholic merchant, who will import the genuine material from some equally scrupulous manufacturer, both of them being keenly alive to the sacredness of their obligations and to the serious consequences involved if they fail to act up to them. The house or firm with which priests deal should have ecclesiastical recognition and give a guarantee that what is supplied for the altar is of the proper character. Then it would be desirable if samples of this wine were analyzed from time to time, in order to ascertain whether it was really what it is represented to be. Each diocese may make arrangements of its own, and where this has been done they should be rigidly adhered to by all purchasers of altar wine within its jurisdiction. In a short time, perhaps, some scheme of a more general kind may be entered into for the purpose of giving effect to the legislation on this head by the recent National Synod.

As these few observations were prefaced by an allusion to the important Instruction of the Congregation of the Holy Office, so they may be aptly concluded by quoting the no less momentous pronouncement on the self-same subject that has been made by the united voice of our own ecclesiastical legislators in solemn council assembled :—

Curent Episcopi, ut ratione aliqua adhibita, panis vere triticeus et vinum de vite pro Missae celebratione adhibeatur, curentque ne Sacerdotes ulla alia adhibeant. Ob frequentem tum farinae triticeae tum vini adulterationem quae hodie obtinet, hoc Decretum cum omni rigore urgendum est.

P. MORRISROE.

<sup>1</sup> In the Lesson of his Office (Rom. Brev., Sept. 28) St. Winceslaus is commended for cultivating with his own hands the material elements for the Mass. The monks in many monasteries, as those of Cluny, regard this same work as a solemn duty, and perform it amid circumstances of great ceremonial.

<sup>2</sup> *Acta et Decr. Syn. Plen. Man.*, 1900 p. 66, n. 97.

## THE DIOCESE AND ABBEY OF MAYO

ONE happy result of the Synod of Whitby, in 664, was the foundation of the Abbey of Mayo, in Ireland, by St. Colman. Most readers are familiar with St. Bede's account of the famous convention at Whitby, in the North of England, under the presidency of King Oswy, when the Roman method of keeping Easter was adopted. St. Wilfrid's arguments were peculiar. Indeed the late Rev. Dr. MacCarthy, the distinguished editor of the *Annals of Ulster*, says that 'Wilfrid's farrago of fictitious tradition and fabricated testimony can hardly fail to excite a smile.' Yet, for the sake of peace—though the matter was purely disciplinary—St. Colman bowed to the decision of King Oswy and resigned his see of Lindisfarne, retiring to Iona with such of his Irish and English disciples as chose to follow the Irish usages. Between the years 665 and 667 St. Colman founded several churches in Scotland, but, at length, set sail for Ireland, accompanied by thirty faithful followers, settling in the island of Inisbofin, off the coast of Mayo. This was in the year 668, according to the accurate chronology of the *Annals of Tighernach*.

The island of Inisbofin, i.e., *the island of the White Cow* (from a pagan legend of a white cow), is a little over five miles west of Renvyle Point, in Connemara, and contains 2,300 acres. Here, in 668, St. Colman and his community of Irish and English monks built a monastery, the chief ornament of which was the reliquary of St. Aiden of Lindisfarne. However, as St. Bede tells us, after a couple of years there was dissension between the Irish and the English monks, and so St. Colman travelled about, and at length fixed upon, Mayo (*Magh-eo* = the Yew Plain) where he placed the English brethren. Thus arose 'Mayo of the Saxons.'

St. Colman spent the remainder of his days in Inisbofin

with his Irish monks, but he continued to rule both monasteries till his death in 675, or, as some say, 676. All are agreed that his festival is observed on the 8th of August. To this day the ruins of his little oratory are to be seen in the townland of Knock, in Inisbofin.

We are safe in dating the foundation of 'Mayo of the Saxons' as of the year 670, and St. Colman appointed St. Gerald—an English monk—as first abbot. Though a comparatively young man he proved a wise ruler, and governed his monastery till 697, when he resigned in favour of St. Adamnan (Eunan of Raphoe), who had come over from Iona. St. Adamnan celebrated the Roman Easter at Mayo in 703, and then went to Skreen, in Hy Fiachrach. After his departure the monks prevailed on St. Gerald to resume the care of the abbey, and the worthy Saxon saint continued to guide the destinies of Mayo for over a quarter of a century. The *Annals of Ulster* chronicle his death in 731, and his feast is commemorated on March 13.

Mayo under St. Gerald became an episcopal see and the monastery was naturally selected as the *Sedes episcopalis*, St. Bede, writing in 730, says:—

That monastery is to this day colonized by English monks and, growing up from a small beginning to be very large, is generally called Mayo (Magh Eo). As matters have long since been reformed, it contains an exemplary body of monks, who are gathered there from England, and live by the labour of their hands, after the example of the venerable Fathers, under a rule and canonical Abbot, leading chaste and single lives.

Usher, quoting from the *Book of Ballymote*, says that, at the opening of the eighth century, there were one hundred Saxon monks at Mayo. The Litany of Aengus the Culdee invokes the fifty saints of Leyny who found their place of resurrection at Mayo, whilst Cuana of Mayo is named in the Martyrology on the 27th of March.

Under date of 773 the *Annals of Ulster* chronicle the death of Aedhan, Bishop of Mayo. Ten years later, viz., on Saturday, August 2, 783, Mayo was burned by lightning. Towards the middle of the ninth century

Turgesius burned the church of Mayo, and, apparently, the monastery suffered much during the Danish invasion. Again, in 905, Temple Gerald (the church of St. Gerald) was burned. From these entries Dr. Petrie concluded that the monastic buildings were of wood, and so proved an easy prey to fire.

In 1110 we meet with the following entry, which goes to prove that a stone church (*damhliag*) was then built :—

The Saxons of Mayo granted the tithes of their city to God and St. Michael, and they made a *damhliag* in it for the pilgrims of God for ever. And the family of Maelfinneoin proceeded to destroy it, and that *damhliag* fell on the people and killed men and cattle. After this came the senior, that is, Cathasach, and he renewed that temple in the reign of Ruaidhri and his son Toirdelbhach, and it was confirmed from that out for pilgrims for ever.

Ruaidhri (Roderic O'Connor), King of Connacht, abdicated in 1092, and was succeeded by his son Toirdelbhach (Turlogh), who ruled from 1106 to 1156.<sup>1</sup>

The native Annals are silent as to Mayo during the first half of the twelfth century, but, under date of 1169, we read: 'Mayo with its church was burned.' At this time Gillaisu O'Mailin was Bishop of Mayo, whose *obit* is chronicled by the Ulster annalists in 1184. During his episcopacy the ancient fame of Mayo attracted pilgrims, and there is evidence that many distinguished persons desired to lay their bones in the cemetery of St. Gerald. Thus, under date of 1176, the Four Masters record the death of Domhnall (son of Turlogh) O'Connor, Prince of North Connacht, who was interred at 'Mayo of the Saxons.'

In 1210, Cele O'Duffy, Bishop of Mayo, died, on whose death, Felix O'Ruadain, O.Cist., Archbishop of Tuam, endeavoured to annex the see of Mayo to that of Tuam. The dispute continued for over six years, and on December, 1217, the Pope issued a mandate to examine into the case. At length, in 1221, the Papal Legate, Master James, decided in favour of suppressing the see of Mayo, and its incorporation with that of Tuam.

<sup>1</sup> King Roderic O'Connor and his eldest son, Donal, died in the year 1118.

Regarding the suppression of the see of Mayo in 1210, Archbishop Healy writes : ' Unfortunately we do not know the issue ; but it is evident that the Archbishops of Tuam during the troubles of subsequent centuries were able to assert their own jurisdiction ; and so the canons of Mayo lost their status as canons of a cathedral church.' As against this opinion, Papal documents go to prove that the dispute went on during the second half of the thirteenth century. Alan was Archdeacon of Mayo in 1230, and stoutly sought to prevent the union of the diocese. Five years later, Archbishop O'Ruadain resigned his see, and retired to St. Mary's Abbey, Dublin ; and his successor, in 1236, was Maelmuire O'Lachtnain, who held a synod in 1237.

As an instance of the troubled state of Connacht at this period, it is only necessary to quoth the following entry from the *Annals of Loch Cé*, under date of 1236 : ' MacWilliam proceeded to Mayo of the Saxons ; and not a stack of seed or corn of all that was in the great *reilig* (cemetery) of Mayo, or in the reilig of the church of St. Michael the Archangel was left without being taken away together.' Even the Archbishop of Tuam had to leave his diocese, and Tuam was burned in 1244. He died five years later at Athlone, and had as successor Flann Mac Floinn.

In 1370, John O'Grady, Archbishop of Tuam, ' translated and transmitted ' the then secular and collegiate church of St. Michael's, Mayo, into a monastery of Regular Canons of St. Augustine, with provision for an abbot and six canons. From the *Calendar of Papal Registers* (1404-1415) we learn that, on the 6th of the Ides of November, 1411, Pope John XXIII confirmed the change—the then abbot being Malachy O'Tarpey. As none of our Irish ecclesiastical historians were aware of this concession of St. Michael's, Mayo, into a monastery for Regular Canons of St. Augustine, it may be well to give a precise of the Papal order, dated December 9, 1411, as given in the *Calendar of the Papal Registers*, issued under direction of the Master of the Rolls :—

To the Augustinian Abbot and convent of St. Michael's,

Mayo, in the diocese of Tuam. Taking under the protection of St. Peter and the Pope them and their monastery, the place where it is situated, and their possessions, present and future, with the parish churches of Robeen, Killinan, Luny ; the rectories of Tirnechtan and Tir Enna, Cere, Bella, Ballinrobe ; and the ecclesiastical lands of Annagh, Drum, Crossboyne, Ballyheaney and Cluain ; the perpetual vicarages of Rosler and Kilcolman ; the rights and titles formerly assigned to the monastery by the late Charles, Lord of Connacht, etc.

To the average reader it may be necessary to state that 'Charles, Lord of Connacht' (who is recorded in the above document to have given the monks certain tithes), is the renowned Cathal Crobhderg, King of Connacht, who ruled from 1201 to 1224. Even the King of England, in 1215, freely acknowledge the title and rule of King Cathal, as did also King Henry III in 1220. This Irish king also endowed the Cistercian Abbey of Knockmoy, the Franciscan Friary of Athlone, and the Augustinian Abbey of Ballintober in Mayo.

In November, 1413, Pope John XXIII provided Thomas O'Tarpey as Abbot of St. Michael's, Mayo, who was deprived at the close of 1429, and had as successor Aedh O'Higgins, who was given the rectory of Manulla *in commendam*. John XXIII having been deposed in the Council of Constance, May 29, 1415, Pope Martin V determined to revive the See of Mayo, and this with the full acquiescence of John Babyng, O.P., Archbishop of Tuam (1409-1427).

From the *Calendar of Papal Registers* (1417-1431), it appears that the Dean of Tuam was also Dean of Mayo, but, in 1419, Pope Martin V appointed Tadhg O'Murray as Dean of Mayo, and Nicholas O'Dowd as perpetual Vicar of Mayo. Still there was a difficulty over the appointment of a separate bishop. However, on the death of Archbishop Babyng, in 1427, Pope Martin V appointed William Prendergast, O.F.M., as Bishop of Mayo, who was deprived in 1430 for not having expedited his letters of provision. Nicholas, O.F.M., was 'provided' his successor, but declined the honour, and, then, on the 3rd of the Ides of April, 1432, Martin Campana was consecrated Bishop.

The abbey and bishopric remained distinct, and both continued until the time of Elizabeth. It is worthy of note that from 1428 to 1528 the Bishops of Mayo were mostly Franciscans. On April 23, 1462, the Pope appointed John O'Morchoe (Murphy) as Abbot of St. Michael's, Mayo, *vice* Malachy O'Muloihill, deposed for various faults. Thomas O'Fihel (Field) was abbot in 1540, and, in 1547, he was appointed Bishop of Achonry, where he was translated to Leighlin, being permitted to hold the abbey *in commendam*. Owen MacBrehon, Bishop of Mayo, resigned in 1559, after which Christopher Bodkin, Archbishop of Tuam, annexed the see to that of Tuam.

On the death of Archbishop Bodkin, in 1572, the Holy Father determined to separate the sees of Mayo and Tuam, and, accordingly, on February 12, 1574, Darby O'Dwyer, O.F.M., was appointed Bishop of Mayo, who was succeeded four years later by Patrick O'Hely, O.F.M.

Bishop O'Hely sheds an immortal lustre on the see of Mayo, of which he was the last prelate. He suffered a glorious martyrdom at Kilmallock in 1579. From the *State Papers* we gather that he landed at Dingle, on July 17, 1579, accompanied by his chaplain, Father Con O'Rourke, O.F.M., and was captured at Askeaton by the English soldiery, as an abettor of Sir James FitzMaurice of Desmond. Don Philip O'Sullivan Beare, whose *Compendium of the History of Catholic Ireland* was published at Lisbon in 1621, tells us that Bishop O'Hely was sent in chains to Limerick and imprisoned for fifteen days in a loathsome dungeon, in August. The Viceroy, Sir William Drury, did all he could to induce the saintly prelate to take the oath of allegiance to Elizabeth, but in vain. Father O'Rourke was equally firm. Both prisoners were then tortured and sent to Kilmallock, where they were formally sentenced to death. The two martyrs went joyfully to execution, and were hanged, and their bodies were subsequently taken down and interred by some pious Catholics of Kilmallock. An account of their martyrdom was published at Ingolstadt by Father Thomas Bouchier,

in 1583, and their cause is at present before the Congregation of Rites, with that of 342 other Irish martyrs.

On August 8, 1596, Bishop O'Gallagher, as Vice-Primate, appointed Father John O'Donnell as guardian of the spiritualities of Mayo. Finally on May 20, 1631, Archbishop O'Queely wrote to Cardinal Ludovisi for the formal union of the see of Mayo to Tuam.

The Abbey of Mayo of the Saxons was, as we have seen, well endowed. It is a mistake to suppose that the present ruins represent any part of the old monastery founded by St. Colman for St. Gerald, in 670. Alas! the old oratories, as well as Temple Gerald, disappeared after the Anglo-Norman Invasion; and the pieces of carved mullions and mouldings still to be seen in the venerable cemetery are the relics of the fine monastic church built in 1410, towards the completion of which Pope John XXIII, on December 17, 1411, granted an indulgence of five years and five quarantines. Even the very site on which the grand abbey was built forms part of the king's highway. Yet, strange to say, defying the ravages of over a thousand years, a small portion of the ancient cashel wall (which encircled the abbey) still stands, not far from the high-road, silently bearing testimony to the once famed 'Mayo of the Saxons.'

WM. H. GRATTAN FLOOD.

## ‘L’IRLANDE CONTEMPORAINE’<sup>1</sup>

**I**N the course of the nineteenth century two distinguished Frenchmen visited Ireland, and made a profound and minute study of the political, social, economic and religious condition of this country. And as, let her shortcomings be what they may, what is written in France commands a world-audience, the works of Gustave de Beaumont<sup>2</sup> and of the late Cardinal Perraud<sup>3</sup> were widely read, and helped powerfully to fix the attention of all civilized nations on the dark deeds that were being perpetrated here. Any man who read these volumes could not repress a feeling of indignation and disgust at the pretensions of a people who raised hypocritical outcries against Turkish atrocities and the doings of absolutism in Poland and Naples. If a change has come over the scene in later times we cannot, in the hour of hope and progress, forget the friendly and sympathetic aid we received in the days of extermination, cruelty and famine.

A few weeks ago a work appeared in Paris<sup>4</sup> which is in every way worthy of a place alongside the volumes I have mentioned. Its author, M. Louis Paul-Dubois, is the son of the late President of the Académie des Beaux-Arts, the son-in-law of Taine, the famous historian and philosopher, and himself one of the principal officials of the ‘Cour des Comptes,’ which exercises jurisdiction and control over all the public accounts of France. He is the author of a work on the ‘Finances of the Local Councils of France’ (*Essai sur les Finances Communales*, ouvrage couronné par l’Académie des Sciences morales

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<sup>1</sup> *L’Irlande Contemporaine et la Question Irlandaise*, par L. Paul-Dubois. Paris: Perrin et Cie, 35 Quai des Grands Augustins. 1907.

<sup>2</sup> *L’Irlande Sociale, Politique et Religieuse*. Paris, 1839.

<sup>3</sup> *Etudes sur l’Irlande Contemporaine*. Paris, 1862.

<sup>4</sup> *L’Irlande Contemporaine et la Question Irlandaise*, par L. Paul-Dubois.

et politiques, Paris, 1898), of a volume on 'The Railways of the United States' (*Les Chemins de Fer aux États Unis*, 1896), and of a very interesting volume on 'Frederick the Great' (*Frederic le Grand d'après sa correspondance politique*, 1903). He has studied Ireland thoroughly in its history, development, struggles, efforts and ideals. He has been in Ireland many times, and knows our present condition better than most Irishmen. He has met people of all classes, talked with everyone, sifted everything, tested everything, and held fast to that which is good. His work is learned, serious, dignified and thoughtful: but his pages are lighted up now and then with delightful flashes of wit, and sparkle everywhere with the charm of expression of which Frenchmen seem still to hold the secret. Even the dismal science of political economy yields to their magic, and often reads like a page of some literary essayist.

After a brief but well-authenticated and very learned historical introduction, the author soon comes to close quarters with the Ireland of to-day. His work is divided under three heads: (1) *L'État Politique et Social*; (2) *La Décadence Matérielle*; (3) *Les Possibilités du Relèvement*. Under the first head he deals with 'The Two Irelands,' 'The National Spirit and Antibrainism,' 'Dublin Castle and the System of Government.' In the second part, which is very important and very ably done, he discusses 'The Land Question,' 'The Congestion of the West,' 'The Economic and Financial Situation.' And in the third section, in which he deals with the future outlook and its possibilities, he examines 'The Education Question,' 'The Gaelic League,' 'The Literary Revival,' and 'The Religious Question.'

What strikes one most in this whole study is the accuracy and minuteness of the information, the acuteness and penetration of the criticism, the impartial spirit and well-balanced judgment with which each question is examined, and the all-prevailing sympathy with Ireland that runs through the work. For fine psychological analysis nothing better has been written on the national mind, its

qualities and tendencies. I can only give a few specimens of this philosophical insight and observation here ; but they will serve to illustrate the whole method and disposition of the author :—

What strikes one at the very outset in regard to the Irishman [he writes] is the facility, the rapidity of his mental operations. Is this a purely Celtic quality ? It is not distinctive either of the Bretons or the Welsh. In any case it is the very antithesis of Anglo-Saxon torpidity and slowness. The Englishman, they say, is just beginning to take in an idea when the Irishman has already passed on to the following. The Saxon joins one argument to another by a painful effort. The Irish Celt has them all present to his mind on the same plane. The vivacity of his memory is as remarkable as his rapidity of perception and repartee. In England the public follows the orator, here they go before him ; they divine what he is about to say ; they applaud or dissent instantaneously. This intellectual alertness does not, on the other hand, allow the Irishman to stop at the middle term, the *juste milieu*. He goes with one bound to the end of his idea : he pushes it to extremes, and then changes it. He is mobile and he is excessive. Nevertheless, the agility of the mental operation implies adaptability, receptivity, imaginative power, and in minds of superior mould, the supreme gift of insight and intuition, the gift of poets and thinkers—(page 146).

The author notices the same sensitive and impressionable character of the psychological instrument in the order of emotion. Sentiment, spirituality, mysticism are the primitive as well as the enduring marks of the race. In the legends and romantic cycles of antiquity tenderness and idealism are strangely blended with the rude realism of the age. These qualities are reproduced in the Celts of to-day. They are pious and their piety is delicate, childlike, charming. They have not their like in Europe for the purity of their morals and for their domestic virtues. The love of country is deeply imprinted on their hearts, and passes with them in the emigrant ship to the lands of their adoption. No other people can banish reality so easily when it is harsh and sad, and live the interior life which is truer than the other and enables

them to forget their troubles in dreamland, in recollections of the past, in visions of the future.

And with all that, no obstinate sadness, no invincible timidity, none of the features that Renan attributes to the Celt, 'the faults and qualities of the solitary, at once proud and timid, in outward appearance awkward and embarrassed, knowing nothing of the human condition and its destinies which we call gaiety.' Was the Irish soul ever such? The Ireland of to-day is not indeed the Ireland of pre-famine days, joyful and careless, brilliant and foolish, somewhat Bohemian, fond of duels, festivals and blows, such as it has been presented by Miss Edgeworth and Charles Lever. She is none the nearer, however, to the concentrated melancholy of the land of *Armor*. Light and fanciful, there remains to her after all the tragedies and ruins as great a vivacity of character as of mind, a go that is always ready, an ardent desire of showing off and 'giving out.' Her sons have the instinct of fun, the ready joke, the familiar drolery. Humour is disappearing, they say. Not here, certainly. I know of scarcely any drawing-rooms in which raillery, epigram, and the biting shafts of wit are more in honour than in several of those of Dublin. I know nothing more charming in the refinement of spirituality than certain speeches of the Cardinal Primate, when regaling an audience at Maynooth or elsewhere. The peasants of the West, whom the land makes grave, are reserved in their joviality; but mirth breaks out in the towns wherever it gets a chance. The Irish are the Southerners of the North, one might say, judging from the exuberance of popular volubility in Dublin, the *dolce far niente* of the street Arabs sitting round Nelson's Pillar, like the *lazzaroni* of Naples. It is not in poetry alone that the Irish Celt loves an adventure or a fight, but in reality, when in the political ring he passes from the exercise of the tongue to that of the fists, or when he goes in British uniform to fight for England against the Boers of South Africa. Emotional, excitable, mobile, he is impulsive and will remain so as long as there is nothing to form and discipline his character. . . . *Better to be quarrelsome than to be lonesome*, says the proverb. Nothing can replace for the Irish peasant the long evenings spent at the house of one or the other around the turf fire which gives a dim light to the half-smoky cottage, talking not only of politics but of the past, of the absent, of the invisible beings called the 'good people' or the *fairies*. With the stranger, the passer-by, he is affable and dignified, without embarrassment or familiarity. Thackeray, who did not like Ireland, could not help noting, in his *Irish Sketch Book*, the easy

manners of these gentlemen of high and low degree, sharp and delicate in their sensitiveness, who know how to enter into the feelings of others, how to make you feel at home and at ease. 'I wish,' he adds, 'that in England we were a little more complimentary.' The rude and abrupt manners of the ill-bred type of American may have made some progress here since Thackeray's day; yet the traveller is still struck, especially in the West, with the instinctive urbanity, the natural grace, of this old race of peasants, who are gentlemen by nature, and alongside whom the peasants of England are the merest boors, thick and stupid rustics. . . . If we compare socially the Irishman and the Englishman, the latter is amongst all Western peoples the most individualized: he respects the social hierarchy, not because he is indifferent to the lot or the opinion of others, but because he is strong and feels equal to the task of ascending the steps of the hierarchical gradation in due time; he is more attached to liberty which is *a thing* than to equality which is only *a word*, or at least something purely relative. The Irishman, on the contrary, is a democrat by nature. Like the Frenchman, he is less bitten by liberty than by equality. Progress he wants; but he wants it not for the individual too weak to acquire it, so much as for the class, for the social body, for the community. He protests against English oppression, because it is foreign, but he can put up with little local acts of tyranny which comes from the 'League' or its committees, because he has not the energy, the individualistic force necessary to resist them. When he himself has become a *leader* he is often authoritative and harsh, like the servant who becomes a master. There is no temptation greater for a farmer's son than to enter the police, and no greater pleasure for his brothers than to harass the constables when the occasion offers. What is all that but a delay in the natural evolution of that modern factor, the outcome of a sound and prosperous society, viz., individualism—(page 151).

The author returns again and again to this tendency of Irishmen, once they pass over to the party in power and authority, to be more autocratic and arbitrary than the traditional representatives of the Garrison:—

There are in Dublin, in the Castle offices, a certain number of Irishmen of the old race, and it is well known that they are inclined to be much more despotic than their Anglo-Saxon colleagues. In like manner, the Irish policeman is often brutal and fierce towards his own countrymen.

This is due to the concentration of opinion on certain subjects which tends to make people exclusive and intolerant, and turns away their minds from the broader and sounder aspect of things. For all these defects, however, the author finds many palliatives and excuses in the tyranny and oppression of the past, and in the corrupt and unwholesome system of government that is still maintained. In his study of 'The Two Irelands,' *the Garrison and the National Party*, he analyses and examines the methods and objects of both with great acumen. In the former he finds no sympathy with the country, no qualification for successful government, no love for anything distinctively Irish. They are merely England's army of occupation for whom Erin represents nothing more than a land to sell, and whose patriotism is summed up in rent and administrative office. They are bible-readers and psalm-singers like the English, and they are here not for the country's good, but to keep the British flag flying and the Bible in the ascendant.

They derive their strength not only from the ignorance of England regarding all things Irish, but from the fact that they represent the Anglo-Saxon and Protestant Garrison, the pillar of Unionism, and the prop of all English interests in Erin. This oligarchy is master of the Castle. Driven out from all the rest it still holds the administrative fortress, and will hold it until autonomy comes to give Ireland a democratic and national administration. There is not in the Castle an official of any importance out of every five or six who is Catholic or Nationalist in sympathy. Even those who are there must give pledges, and prove themselves more royalist than the king, more reactionary than their colleagues. In the Privy Council there are only 7 Catholics to 50 Protestants. In the High Court of Justice there are only 3 Catholic Judges to 18 Protestants. Out of 1,272 Justices of the Peace there are only 251 Catholics. Out of 58 Resident Magistrates only 19 are Catholics. Out of 31 County Court Judges the Catholics number 7. Out of 37 County Inspectors of Police, the Catholics are only 4; and out of 214 District Inspectors the Catholics are only 20 or 30, and this in a country where the Catholics are three-fourths of the population. Some toleration is shown in the case of corporals, clerks, and postmen; but for them also there is no future, no

advancement. The well-paid posts are all for the Garrison. . . . Legally emancipated for more than three-quarters of a century, Irish Catholics are still treated as enemies or suspects in their native land. They are excluded if not from all public offices, at least from the principal ones. The act of 1829 remains a dead letter. Emancipation has not entered into the habits and customs of the country. Nationalist Ireland remains administered by *Ascendancy* men, Catholics by Protestants. The Garrison has no longer the monopoly *de jure*. It has the monopoly *de facto*. *Victoribus spolia*—(page 180).

This bureaucratic oligarchy is just the instrument which the dominating political oligarchy requires. It is essentially reactionary and *Tory*. . . . The traditions of conquest and coercion have left their mark profoundly imprinted on it. Be the Government Conservative or Liberal, the spirit is the same. Autocratic, arbitrary, and insolent towards the mere Irish, the *natives*, the people in the Castle live in a world apart, in an atmosphere vitiated by privileges and prejudice, which has no influence whatever on public opinion. An Irishman is never asked for advice about anything. The Nationalist leader will get a hearing more readily from the Prime Minister of England than from the lowest clerk in a Dublin office. They ignore and despise the people, their needs, and their desires. When Parliament votes a law of reparation of some kind the Castle does it best to distort its mechanism, and prevent it from working—(page 181).

The author has a very scathing chapter on the tyrannical coercion *régime* of Mr. Balfour. He enumerates the dreary list of Coercion Bills passed by Liberals as well as Conservatives :—

In 1887 Mr. Balfour gets a permanent Coercion Bill voted through Parliament. Though more moderate than the preceding ones, it enables him to prosecute 3,500 persons in three years, and to have people sent to jail for having cheered Gladstone. A youth who whistles 'Harvey Duff' in the ears of the police, a little girl of thirteen who has interfered with the bailiffs at a seizure, a little boy who had looked at a policeman, with a 'humbugging sort of a smile,' are amongst his victims.

Of course M. Dubois does not ignore the ameliorative measures of Mr. Balfour's *régime* ; but he thinks a policy which is a mixture of *conciliation*, *corruption*, and *coercion* is a stupid makeshift which dissatisfies everyone, and has

no friends but the corrupt and selfish tribe of office-seekers.

M. Dubois devotes a considerable part of his work to the land question, *La Question Agraire*. This is a question that has been closely followed by the partisans and the opponents of state socialism in France and other European countries; and M. Dubois goes very minutely into the question of right and title. He draws an adequate picture of the horrors of landlordism as it was exercised in former days. He discusses the Land Bills of Mr. Gladstone, of Lord Ashbourne and Mr. Wyndham, and hails the day when peasant proprietorship, *la petite propriété*, will be established in Ireland. He fears, however, that the Irish tenants have accepted a burden they will not be able to bear; nor has he any hope that the law, as it stands, will effect the complete transfer of the land to the occupiers:—

Full of dangers for the future, is the Act of 1903 at least sure of realizing its object, the general transfer of land from the landlords to the peasants? There is reason to doubt it. There will remain a considerable number of landlords who will refuse to sell their properties at any price. There will be a still greater number who will refuse to sell them at a reasonable figure. The truth is that the 'bonus' is insufficient to bridge over the gap between the capital at 3 per cent., which the landlords demand, and the price at 5 per cent. which the peasants can pay. Compulsory sale must some day be enforced. . . . Landlordism will not be abolished without recourse to legal constraint—(page 281).

But even though the Irish peasants become substantially the owners of their land, England stills holds the power to nullify its value to them. She has the power of the purse, the power of credit, the power of taxation. She can use these as she pleases. She can, by a shuffle of the cards at which she is an adept, take with one hand even more than she gives with the other.

The author's description of the wild West is vivid and picturesque:—

A desert of rocks and bogs covered with leprous vegetation and greyish heather, extending beyond the view through valleys that lie between immense *plateaus* all of the same shape. No system of drainage, no line of partition. Uncertain and slow,

the water floods on the soil without any issue. Thick with the gathered mire it blackens, reddens, and impregnates everything it meets. The roads seem to run without an object over these desert hills. No wonder ; for they were made during the great famine, without regard to economic utility, by ignorant or careless officials. The peasants scarcely know the form of a tree ; for there are none here. The *bog* is everywhere, the *red bog* and the *black bog*, according to the degree of decomposition. They cut it in long lines, straight and parallel, going down deep to get the best squares of turf which they dry in the sun, or at least in the daylight, whilst the hollow left by the cutting is filled with a dark pool which oozes from the over-soaked sponge around and beneath. Sometimes the mountains close in and encircle a picturesque valley which looks like a great circus and resembles the crater of an extinct volcano full of matter half consumed. Sometimes from one of these summits a white line stands out towards the horizon. It is the Atlantic without a veil or a cloud. Then the monotonous outline reappears of a melancholy landscape which, under the heather, is lighted up with an ardent and diabolical red, as if this land came out of a furnace. Rare are the houses, sparse the villages. There is nobody on the roads. This land is peopled with ruins, ruins of old monasteries of the seventh or eighth century, to which Europe came to learn wisdom ; ruined abbeys of the Middle Ages, ruined castles of old Anglo-Norman families, ruins of modern cottages once happy and full of life. Now the ruins seem more living than the people on this old land, exhausted, worn out, half-dead, in which nothing stands erect, not even the castle wall that bulges and totters, or the old bridge that bends and yields under the weight of years. One thing only brings joy. It is the *chapels*, the little churches, white and shining, which one sees from afar situated on a height or vantage ground, which give some semblance of life to this landscape of death.

There are many descriptive passages of this kind that remind us of Pierre Loti's *Pêcheurs d'Islande* or *Mon Frère Yves*, and that enable the reader to rest awhile from the study of figures, and principles, and economics, and politics. But M. Paul-Dubois is no ordinary tourist. He is a philosopher and a statesman as well as an investigator. And it is with wide and far-reaching purpose that he comes down from the heights and comes face to face with hard facts :—

It is not nature alone [he says] that has made the problem

of life so difficult here ; it is human law and the social *régime*. What strikes one at first sight in this condition of the West is the double problem of general depopulation and of sporadic over-population. Wherever the soil allows you find vast fields of pasture, empty and bare, divided into great squares by walls of dried stone through the interstices of which you see the light, as through a border of fretted lace. Not a soul, not a house. Black little Kerry cows, Roscommon sheep, are the only inhabitants of this desert prairie. Then away from the highways, in some neglected glen, near the quarries of the mountains or the bogs of the plain, you come upon heaps of primitive masonry, clusters of cabins huddled together, with low roofs and walls embedded in the mire, the rounded coat of thatch looking like the back of an upturned boat. In the distance you would take them for bramble-covered rocks. A few huts with rugged and heather-clad roofs stand out in grey from the brown horizon. Many of them are built of dried mud. There are still twenty thousand of these mud cabins in Ireland to-day. Many more are now abandoned through voluntary emigration or forced eviction. The roof has disappeared. The walls are still there, face to face, stained with smoke or tarnished with greenish moisture, surmounted by large pentagons, of stone or brick, pointing towards heaven. One would almost say—so many ruined and devastated chapels. It is in hovels like this that great numbers of the peasants of the West, wretched and out of work, are housed to-day, having nothing in common, as one of them said to us, ' but the good God, the rain of heaven, and the light of day.'

Thus one on side vast grazing ranches, extensive *latifundia*, desert and bare ; on the other human beings overcrowded and heaped together in *rural slums* on the refuse of the land. Where there is land there are no men, and where there are men there is no land. Between the earth and man, in this uneconomic and artificial condition of things, equilibrium is broken. The law has pronounced a divorce between them, and strong arms remain idle beneath an idle sun.

M. Dubois goes into these cabins of the ' Congested Districts ' around Oughterard and Clifden, Westport, Achill and Belmullet. He sees for himself how the people live, the condition of their dwellings, their manner of life, the food they eat and the clothes they wear, their dependence on America and on *migratory labour* ; and no man who reads his description in any part of Europe will think

that those who are responsible for this condition of things have any claim to the love or gratitude of the people of Ireland.

And it is here that the author naturally comes to the question of the *financial relations* between England and Ireland, and lays bare the cause of so much misery and poverty. M. Dubois has gone into this question in all its phases, its history, its discussion by economists and financiers, the reports of Commissions that inquired into it, the arguments of the contending parties regarding it, and he has no hesitation in finding here the cause of the 'solitude des campagnes, la misère des villages et le délabrement lugubre des villes.' To it may be traced in great measure 'the dirty streets in the cities in which a crowd of *lazzaroni*, degraded by idleness and whiskey, flourish; those mansions in decay, deserted and disused palaces, sordid tenements, the worst refuges of vice and disease that can possibly be imagined.' To it also must be attributed the mills that work no longer, the disappearance of industries, the neglect of water-power.

Economically fallen, one might think at least that Ireland derives some benefit from the Union with a 'rich and generous partner.' The truth is, never did a Shylock more mercilessly exact his pound of flesh from a miserable debtor. Ireland, it has been well said, has been drained of everything except its waters. Every year she pays her British suzerain, *without any profit or return*, a financial tribute of £7,000,000, of which £3,000,000, roughly speaking, represents the over-taxation of Ireland, and £4,000,000, the rent of absentee landlords—(page 320).

Pauperism, emigration, consumption, lunacy, the 'survival of the unfittest,' are other wholesale effects of this injustice. M. Dubois does not speak in the air. An expert in finance, he knows what he is talking about. He has facts and figures for everything. He is not insensible to the arguments put forward by Mr. Balfour and his supporters. He discusses them at length. He gives their thoretical alternative to the claim of the Nationalists, but adds that whilst in power they did

nothing. Whatever *largesse* or *dole* they distributed was but as a drop in the ocean, and was given to their own supporters who needed it least, as a bribe and a shabby political reward. Meanwhile the real problem remains, and results rapidly follow their causes. Ireland is dying as a distinct nation. A short time ago it was only a question of years, and one thought it possible to compute the time and fix the date of her extinction. Then came the Gaelic League, the Abbé O'Growney, the Abbé O'Hickey and Dr. Douglas Hyde. A new hope sprung up. Signs appeared of the possibility of a revival. The revival has come and with it the hope of regeneration.

In the reform of the national character, the banishment and scorn of drunkenness, the improvement of education, the revival of the national language, national games, customs and literature, the support of Irish industries, the contempt of anglicization, and the fostering of all that is distinctively Irish and national lies the hope of the future. M. Paul-Dubois discusses all these questions in his interesting book, and there is not a page of it that is not illuminating and helpful to all lovers of Ireland. I cannot in this short review touch on what he says of our system of education, of our University question, the intellectual starvation of a whole race, of the revival of the language, literature and industries. I must conclude with one more citation as to the supreme remedy of all :—

In order that Ireland should arise [he writes] and should expand in her new life, one condition imposes itself before all others. It is the final and primordial and essential, if not all-sufficient condition, viz., autonomy. The Irish do well to insist on national autonomy as a right, and the most inalienable of all rights ; but they are wrong to regard it as an end. Liberty is only the means to an end ; but that means alone can enable a nation to develop herself fully, to live her whole life. At the root of all the evils of Ireland, beyond dissensions and fanaticism, misery and decadence, there is one fundamental fact—the rule of the stranger. 'Not foreign government,' said Wolfe Tone, 'but foreign rule is Ireland's bane.' Were it the most equitable, the most beneficent, foreign rule is detestable, because it is foreign. What, then, can be said of it when it is selfish and

oppressive, materially and intellectually ruinous ? Ireland must have some guarantee against British rapacity, some protection against the mental and moral economic and financial drainage that exhausts her. She must have laws and institutions suited to her manners and her aspirations. She needs a strong ruling power, and no ruling power can be strong that is not national.

Here I must leave for the present this very interesting and masterly volume. Here and there we come across a detail that is not, perhaps, quite in harmony with the facts as we see them ; but on the whole the work is wonderfully accurate, well-informed and sympathetic. The graceful and gentlemanly tone that runs through it is in strong contrast to that of some other volumes that have criticized us nearer home. Everything in it is not praise : it is not all admiration, far from it ; but where it is critical and condemnatory, it is at the same time considerate, sympathetic and refined. I recommend it for all libraries, particularly for those of young men, and I may, I trust, address a word of thanks in the name of Ireland, and particularly of the Irish clergy, to the distinguished author for the interest that he has taken in our native land, for the charm with which he has invested every aspect of our national life, even its factions and contentions, and for the assistance he has given us in our struggles for justice and fair play.

J. F. HOGAN, D.D.

# Notes and Queries

## CANON LAW

### BINDING FORCE, PROMULGATION AND DISPENSATION OF THE MAYNOOTH SYNOD DECREES

REV. DEAR SIR,—Will you kindly answer the following questions about the Maynooth Synod Decrees :—

1. Do they bind in conscience ?
2. When will they begin to be in force ?
3. Can they be dispensed, and by whom ?

X.

1. As to the first question, we have nothing to add to our article on this topic published in the January number of the I. E. RECORD. There we showed that decrees of Provincial and National Councils, being precepts, bind in conscience, even though the legislators did not expressly manifest their intention to that effect. But now, no doubt can be entertained about the binding force of the Maynooth Synod Decrees, as the Bishops, in order to prevent any possible controversy or doubt, made it quite clear in the last chapter of the Decrees that they are obligatory in conscience as they are precepts; unless, indeed, it is quite manifest by the wording or by the subject-matter, that in some instances they were exhortations or advices.

2. With regard to the beginning of the obligation of the Decrees, the principle is well-known in Canon Law *Leges instituuntur cum promulgantur*. Without promulgation, by which laws are authentically manifested to the subjects, no obligation of observing them can possibly exist. The mode of promulgation of decrees enacted by particular Councils is not identical to that assigned for the promulgation of Papal laws. These begin to be in force, at least, *in actu primo*, after the promulgation made in Rome, whereas the others must be published either by circular or pastoral letters of the bishops,<sup>1</sup> or in the

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<sup>1</sup> Bergilliat, *Praelect. Jur. Can.* i., p. 493.

diocesan Synod, or in the Provincial Council in the case of National Synod decrees ; and it is not necessary, then, to embody them in the diocesan statutes in order to make them obligatory.<sup>1</sup>

This is the common teaching of canonists<sup>2</sup> who usually quote the ch. *Decernimus*, Dist. 18, and the ch. *Sicut olim*, De Acc., in support of their doctrine ; and if the words of the first chapter are not very conclusive because, as Suarez says, 'ibi non agitur de promulgatione legum sed de modo quo Episcopi suas plebes docere debeant omnia quae in conciliis provincialibus acta fuerint ;' the wording of the second clearly points to the general theory on this question. This chapter says : 'Publicaturi ea (decreta Concilii Provincialis) in episcopalibus Synodis annuatim per singulas dioeceses celebrandis.' This is also the doctrine of the Congregation of Propaganda expressed in the letter sent to the Irish Bishops the 3rd of May, 1853, about the promulgation of Thurles Synod Decrees,<sup>3</sup> and this is, in fine, what the Bishops state in the new Decrees. 'In dioecesana vero Synodo Statuta Conciliorum Provincialium aut Plenariorum publicentur.'<sup>4</sup>

However, the opinion of Nilles<sup>5</sup> is not devoid of probability that the Apostolic Delegate of a National Council has the power of promulgating by public letters, and for the whole nation, the decrees of the same Council. This power, he tells us, does not appear from the words usually employed in the mandate, but it is deduced from the nature of the delegation. A delegate's powers cease when the whole delegated cause is finished, and a Council is not absolved until the decrees are promulgated ; hence the delegate's jurisdiction extends to the promulgation, and the one prescribed by law to be made in diocesan

<sup>1</sup> Congr. S. Off., 10 Sept., 1896.

<sup>2</sup> Cf. Fagnanus in 1 part, v. lib. Decr. cap. 'Sicut olim,' De Acc., n. 9 ; Bouix, *De Conc. Prov.*, p. 537 ; De Angelis, lib. i., p. 286 ; Sebastianelli, i., p. 152 ; De Luca, i., p. 524 ; Card. Petra ad Const. Honorii. II., 117-122 ; Zitelli, App., etc.

<sup>3</sup> Cf. *Coll. Lacen.*, vol. iii., p. 841.

<sup>4</sup> *Maynooth Syn. Decr.*, p. 92, n. 221.

<sup>5</sup> Cf. Nilles, *Com. in Conc. Plen. Bal.*, i., pp. 34-61, followed by Wernz, ii., p. 1052 ; Laurentius,

Synods is, properly speaking, a divulcation. He adduces some laws in corroboration of his statement, and also the example of the promulgation of the decrees of the Third Council of Baltimore made by Cardinal Gibbons, Apostolic Delegate to the Council, only by his public letter on the 6th of January, 1886.

Being still in doubt as to the present discipline and practice of the Church on this point, we thought it well to write to Propaganda for information, and the 'Minutante' in charge of the Irish ecclesiastical affairs in that Congregation; after consultation with the Secretary, replies to us—of course, not in an official way—stating that with regard to the promulgation of the Decrees of the National Synod of Maynooth, the Apostolic Delegate has power of signifying authoritatively to the Bishops that he has already received the rescript of recognition of the decrees from Propaganda; but, then, it behoves each particular bishop to adopt one of the legal modes indicated above, in order to make the new statutes known to the people of his diocese. As long as this has not been done, therefore, the Maynooth Synod Decrees are not in force.

3. As to the dispensation of the Decrees there is, in the first place, no reason for doubting that they can be dispensed, as they are only ecclesiastical laws which admit of a relaxation for reasonable motives; but who can grant a dispensation from decrees of National Councils? Some are under the impression that it is necessary to have recourse to the Holy See for such a dispensation, and in every particular case, because, they say on account of the confirmation given to the Decrees they became Papal laws, and with them no other superior can interfere without special faculties from Rome. However, this is an erroneous theory, considering that decrees of Provincial or National Councils are confirmed by the Holy See only *in forma communi* or are simply revised, corrected and recognized, and after that simple approbation or recognition, they do not change quality and value, but remain, as they were, statutes of Provincial or National Councils.

Nor can any doubt be entertained about the power of the same Councils to dispense from their own laws, for according to the first rule of law, 'Per quascunque causas res nascitur per easdem dissolvitur.' The only doubtful question is whether bishops, taken individually, can relax in their dioceses the decrees of Provincial or National Councils. If those decrees are confirmed by the Holy See only in *forma communi*, or are simply recognized, and if the Council do not reserve to themselves the power of dispensing in their decrees, absolutely speaking, single bishops cannot dispense in these laws, as the Council is superior to its single members, and nobody can dispense from the laws of his superiors; but according to the common opinion of canonists,<sup>1</sup> and to the general practice<sup>2</sup> in the Church, individual bishops may exercise such a power and grant dispensations in the decrees of a Provincial or National Council, for it is presumed that the Council gave them that power, as it would otherwise be extremely difficult, and almost impossible, to have recourse to Rome or to celebrate a Plenary Council every time that such a dispensation was required.<sup>3</sup> Custom has also fixed the limits of the powers of the bishops to the effect that they may dispense for just motives and only in particular cases.<sup>4</sup>

As to the question whether Vicars-General enjoy the same power as that of the Bishops in dispensing from National Synod decrees, we share the opinion of those canonists who answer in the negative, for if Vicars-General are one juridical person with the Bishop, and partake, with some exceptions, of all his jurisdiction, that is true as far as the ordinary episcopal jurisdiction is concerned, but do not share any delegated power given to the bishops, either by written law or by custom. No doubt, Vicars-General, according to a recent legislation, may use the faculties habitually delegated to the bishops,

<sup>1</sup> Cf. S. Alph. i., p. 190; Suarez, *De Leg.*, lib. vi., c. 15, n. 5, sqq.; Sanchez, *De Matr.*, lib. viii., disp. 17, n. 35; Deshayes, p. 262; Smith, i., p. 76; De Angelis, lib. i., p. 286, etc.

<sup>2</sup> Leurenus, *For. Eccl.*, lib. i., tit. 2, quest. 185.

<sup>3</sup> Bonacina, *De Leg.*, disp. 1, quest. 2, Punct. 1, n. 14; Bargilliat, i., 494.

<sup>4</sup> Santi-Leitner, i., p. 439; Leurenus, i.c., tit. 369, quest. 843, n. 2.

but this privilege regards only habitual faculties delegated to the bishops by the Holy See, and it is not to be extended beyond the limits of the concession. Nor is there a general custom, as far as we know, the same as that at present in existence for the bishops, enabling Vicars-General to dispense in laws of particular Councils. However, if there be a particular custom in some country in favour of Vicars-General, giving them the power of dispensing in these decrees, that custom may be lawful, and the power acquired through it quite legitimate; because it is a common opinion amongst canonists that a custom may be validly introduced by which Vicars-General may acquire the faculty of disposing of those matters which are called *res graves*, and are not included in their ordinary jurisdiction, and also of using powers delegated to the bishops, either by express, or tacit, and even presumptive delegation, and which are permanently delegated to the office more than to the person, and are called, on that account, *quasi-ordinary*.

Lastly, the power of the bishops in dispensing from the decrees of Particular Councils, being a *quasi-ordinary* jurisdiction, may be delegated either in particular for one special case or in general for all occurring cases.<sup>1</sup>

S. LUZIO.

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<sup>1</sup> Cf. Bargilliat, *Præf.*, i., pp. 421, 549; Putzer, *Comm.*, n. 25; Santi, l.c., p. 238; Ferraris, *V. Vicarius*, art. 2.

## LITURGY

## EXEQUIAL MASSES

REV. DEAR SIR,—Will you kindly make it clear and intelligible to busy pastors, who have no time to study the question themselves, on what days *Funeral Masses* are prohibited.

Our American *Ordos* name Easter, Pentecost, Christmas, Epiphany, Ascension, Corpus Christi, December 8, March 25, August 15, June 24, March 19, June 29, November 1, and also the Sundays to which are transferred the solemnity of any Feast. Besides these days the *Ordos* mention the feast of the Patron of the place, and the Feasts of the Dedication of the Church and of the Titular Patron as prohibited days, as also the Triduum of Holy Week and the Forty Hours. The Feast of the Circumcision is not mentioned, although it is a holiday of obligation. I should think Funeral Masses are allowed on the Feasts of SS. Peter and Paul and of Corpus Christi, because the solemnity of these feasts, and of these only, is transferred to the following Sunday.

Now, do you think our *Ordos* are correct in stating that Funeral Masses are allowed on the twenty-four other suppressed feasts?

I find the following question proposed to the Sacred Congregation of Rites recently (*Acta Pontificia*, Fr. Pustet, Romae, vol. iv. p. 70):—

‘II. An exsequiae cum Missa, prasente corpore, fieri possint in festis suppressis, quorum solemnitas in Dominicum sequentem non transfertur?’

The answer of the S. Cong. dated December 1, 1905, is ‘*Negative.*’

In view of the fact that our American *Ordos*, although not official, are generally followed by the clergy of the United States, and of the further fact that in many large parishes the custom prevails to have all the funerals with a Mass, would a pastor be justified in following the *Ordos*, in the face of this Decree of the Congregation of Rites, until the Bishops issue some instruction on the subject?

L.

To answer the proposed question as adequately as our correspondent seems to desire, it will be necessary to premise a few observations in order to make clear the regulations of the Liturgy about exequial services and the

genesis of them. It should be remembered that the word *exequiae* is used to cover several distinct functions, and that some of these may be performed without the others. In its full signification it embraces the transfer of the remains to the church, the Office for the Dead, the solemn Mass *de Requie*, the Absolution and the interment. Thus on some occasions the Mass may not be possible, but all the other parts of the service may easily be performed. It is the earnest wish of the Church that no one of her children should be laid to rest without receiving the whole measure of the appropriate suffrages which are contained in the full exequial service, or, at least, without the Mass. The Roman Ritual<sup>1</sup> says : ' Quod antiquissimi est instituti, illud, quantum fieri poterit, retineatur ut Missa, praesente corpore defuncti, pro eo celebretur antequam sepulturae tradatur.' Hence it is that although there is a general law of the liturgy directing that Mass should be said, as a rule, in conformity with the Office for the day, yet she sanctions so many departures from this regulation in favour of those who are recently deceased, that there is scarcely any occasion of this kind in which the *Missa pro defunctis* may not be said.

It is well to get a clear notion of the causes which interfere with the celebration of exequial Mass. The Ritual again says : ' Si quis die festo sit sepeliendus, Missa propria pro defunctis praesente corpore celebrari poterit : dum tamen conventualis Missa, et officia divina non impediuntur magnaue diei celebritas non olstet.' There are then two classes of obstacles which impede the exequial Mass, viz., the performance of parochial or conventual functions which cannot be omitted, and an occurring feast the celebration of which, with all due solemnity, would be marred by those signs and manifestations of mourning which are the accompaniments of any exequial function. By reason of the first set of impediments, the *Missa Exequialies* cannot be said on a Sunday or holiday of obligation in a church where there is only one priest to say the Mass *pro populo*, or to perform some other function which is of

<sup>1</sup> Tit. vi., c. 1, n. 4.

obligation. But if there is another priest available to say the exequial Mass it may be said. The question<sup>1</sup> was asked some time ago if this Mass might take the place of one of the two Masses that are accustomed to be said in most parochial churches, and the answer that was given in these pages was in the affirmative, because only one of the Masses is parochial in the strict sense, and the celebrant of the second Mass is free, presumably, to say it for the deceased person. The same is true of conventual Masses and offices. It is not the fact of a day being a Sunday or a holiday of obligation that excludes the exequial Mass *praesente cadavere* as far as this cause is concerned, but rather the necessity of performing other parochial or conventual duties of prior obligation.

The second cause that prevents the celebration of exequial Masses is *magna diei celebritas*. There are some festivals of such high rank and importance that the Church wishes to see them celebrated with every circumstance of external pomp and splendour, and every manifestation of joy. Now the intrusion of any exequial function would be quite incompatible with the festive spirit of these grand occasions, and, therefore, it is that these signs and symbols of mourning are rigidly excluded. For an almost similar reason the *Triduum* of Holy Week enjoys a like reserve to enable the spouse to bestow uninterrupted thought upon the tragic sufferings of her Bridegroom. The feasts that are of this elevated solemnity have been accurately enumerated by our correspondent. The Circumcision does not belong to the category, and admits, like an ordinary Sunday, the *Missa de Requie*, provided that the parochial Mass is not omitted. It is not accurate to say that the Mass *de Requie* is excluded by 'Sundays to which it transferred the solemnity of any feast.' What is true is that the exequial Mass is excluded by those Sundays to which is transferred the solemnity of a feast, which of itself, and by reason of its high character, excludes this Mass.

As it was the solemnity that created the obstacle, so

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<sup>1</sup> Cf. I. E. RECORD, JAN., 1906.

with its removal the Mass may be said on the days themselves. Four Sundays are mentioned by Wapelhorst<sup>1</sup> to which are transferred the solemnities of Epiphany, Corpus Christi, SS. Peter and Paul and the principal Patron, in those dioceses for which they have been abrogated, so that while Masses *de Requie* may not be said on these Sundays, they are lawful on the feasts *per se*, that is, provided that the Mass *pro populo*, which presumably still remains attached to these abrogated holidays, is not neglected.

When it is asked if the *Exequiae* are allowed on *suppressed* holidays there must be question, of course, of a feast, which before its suppression or abrogation, belonged to the category of those whose solemnity excluded exequial offices. There can scarcely be any doubt, then; of the correctness of the American *Ordo* in stating that funeral Masses are permitted on the suppressed feasts, subject to the discharge of whatever obligations remain attached to these days. The decree of the Congregation of Rites makes no difficulty, as its scope is not so wide as our correspondent seems to think. The feasts referred to in this decree are those already mentioned, viz., those greater festivals of the Universal Church that are doubles of the first class and holidays of obligation, and, in addition, the three local feasts of Titular and Dedication of a church and the *Patronus loci*. Any of these feasts may be abrogated or suppressed (a) by extinguishing the *feriation* merely (obligation of hearing Mass and abstaining from servile works) leaving intact the office and Mass and solemnity annexed; (b) by transferring all the exterior solemnity and *feriation* to the following or preceding Sunday, leaving the Office and Mass as before; (c) by transferring Office, Mass and solemnity to a Sunday. Now as it is the solemnity that placed the obstacle to the exequial Mass, it is evident that in the two latter alternatives, this Mass can be celebrated on the day on which the feast falls, but not on the Sunday to which its solemn observance is transferred. The catalogue of those

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<sup>1</sup> *Comp. Sac. Rit.*, n. 33.

higher feasts which impede the celebration of exequial offices, according to present discipline, was drawn up by a general decree of the Congregation of Rites, dated 22nd August, 1893.<sup>1</sup>

Another observation, which it is scarcely necessary to make, is that the exequial Mass which enjoys these privileges must be a solemn Mass *de Requie*, or, at least, a *cantata*; there is only one case where a low or private Requiem Mass may share this distinction, and it is where deceased was so very poor that the family are unable to defray the expenses of the solemn Mass.<sup>2</sup>

When, then, are private Requiem Masses permitted on the occasion of a death or funeral? Besides the case just given, in which the private Requiem is a substitute for the solemn, they are permitted in churches and oratories, whether public or semi-public, on the day when the *exequiae* are celebrated with a solemn Mass or a *Missa Cantata*, in the presence (physical or moral) of the remains, provided they are offered up for the deceased, and provided the day is not a Sunday, holiday of obligation, a double of the first class, or a day excluding this.<sup>3</sup> Those similarly permitted in *private* attached to above *oratories* may be *de Requie praesente cadavere in domo*.

Masses said in mortuary chapels (erected within the precincts of a cemetery) may on be *de Requie* all days except doubles of the first or second class, Sundays and holidays of obligation, privileged *feriae*, vigils and octaves. This is in accordance with the common or general law, but most countries have received indults in virtue of which private Requiem Masses are permitted, under certain conditions, on quite an extensive scale. In Ireland, for instance, by the Indult of 1867, where the solemn Mass is not possible for any reason, a private Requiem Mass may be said on any day except doubles of first or second class, Sundays and holidays of obligation, and privileged vigils, *feriae* and octaves. Similar privileges,

<sup>1</sup> N. 3810, nov. col.

<sup>2</sup> Cf. S.R.C., 9 May, 1899.

<sup>3</sup> Item, 16 May, 1896: 12 January, 1897.

as we learn from Wapelhorst,<sup>1</sup> have been granted to most of the dioceses in America.

#### PASCHAL CANDLE

REV. DEAR SIR,—Please give an answer at your convenience in I. E. RECORD, to the following question :—

In what churches and during what time may the Paschal Candle be lighted ?

ALPHA.

This identical question was put to the Congregation of Rites many years ago, and here is the answer then given :—

*Cereus paschalis regulariter accenditur ad Missas et Vesperes solemnes in tribus diebus Paschae, Sabbato in Albis, et in diebus Domenicis, usque ad Festum Ascensionis D. N. J. C., quo die, cantato Evangelio, extinguitur ad Missam ; et in aliis diebus et solemnitatibus etiam solemniter celebratis non accenditur nisi adsit consuetudo, quod durante tempore Paschali accendatur, quae servanda est.*<sup>2</sup>

This response speaks only of *Solemn Masses*, because at the time it was issued the *Memoriale Rituum* (published in 1724) had not prepared the way for conducting the Holy Week functions with an ordinary Low Mass. In other word it did not contemplate any but Solemn Masses in this connection. Coming, however, to the *Memoriale* we find the following direction :—

*Cereus paschalis remanens in suo candelabro accendetur in Missis in omnibus Dominicis, ac Festis Domini et Sanctorum de praecepto : et usque ad Evangelium inclusive in die Ascensionis Domini : quo dicto cereus extinguitur et completa Missa, removetur e candelabro, et servatur accendendus in Vigilia Pentecostes a Benedictionem Fontis.*<sup>3</sup>

In every church, then, or public oratory in which the Paschal Candle has been blessed, it should be lighted at the principal Mass on all Sundays, and; Feasts of our Lord and the saints that are holidays of obligation, up to the Gospel in the Mass of Ascension Thursday. Also it is

<sup>1</sup> *Comp. Sac. Lit.*, n. 33.

<sup>2</sup> S.R.C. Decr., May, 1607.

<sup>3</sup> *Mem. Rit.*, tit. vi., c. 4, § 7, n. 6.

lighted for the Blessing of the Font on the Vigil of Pentecost. It has been decided that the Pashcal Candle may not be lighted at Benediction of the Most Holy Sacrament. The direction in the *Memoriale* says nothing of Vespers, because presumably it did not contemplate these in connexion with those parochial and other churches it had before its mind, but analogy would seem to make it lawful to light the Paschal Candle at Vespers if they happen to be recited in any of these churches *tempore Paschali*.

#### CRUCIFIX INDULGENCED FOR STATIONS OF THE CROSS

RÉV. DEAR SIR,—Would you kindly answer the following in the I. E. RECORD: In a certain convent there are no Stations of the Cross. It is a very quiet district, and the parish church is only a few paces from the convent. There are no houses very near. The church is very much frequented during the evenings of Lent; during the day a person drops in occasionally. The nuns do not care to be going to the parish church, especially since it is open to the public. Is it sufficient for them for the gaining of the Indulgences to use a crucifix blessed for the Stations of the Cross, saying, at the same time, the prescribed prayers?

T. N.

The privilege of using a crucifix indulgenced for the Stations has been granted only in favour of those persons who are in some way prevented from visiting a church in which the Way of the Cross has been canonically instituted. Among those who are generally recognized as impeded in this way are the sick, prisoners, travellers by sea or in pagan countries, and in fine, all persons placed in either a physical or moral impossibility of performing the Stations in a church where they are erected. Now, are the nuns in whom our correspondent is interested impeded, *morally* speaking, from going to the church and performing the Stations there? There would be no doubt about it if there was any rule of the Order preventing them from going. But are the desire to avoid meeting persons in the church and the danger of infringing on the privacy and retirement of conventual life enough to constitute a

legitimate impediment? These reasons might certainly be sufficient to justify the sisters in availing themselves on *certain* occasions of the privilege of the indulgenced crucifix. The words of the *Instructio*<sup>1</sup> would favour this liberal interpretation: 'Sufficere putamus incommodum *mediocriter grave*, seu motivum mere rationabile, quacumque ex causa proveniat, quod aliquem impedit a visitandis hic et nunc stationibus canonice erectis.'

In view, however, of the facility with which arrangements might be made for having the Stations of the Cross canonically erected in the convent, it is rather difficult to see how the use of the indulgenced crucifix can be justified permanently and in all circumstances. It is our view, then, that the convent should have the Stations canonically erected, and assuming this to be possible and feasible, that in the meantime the use of the crucifix may be availed of by any sister whenever she has reason to believe that it would be impossible for her, morally speaking, to go to the church where the Way of the Cross is established.

P. MORRISROE.

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<sup>1</sup> De Stationibus V. Crucis Erigendi.

## DOCUMENTS

### EXCOMMUNICATION INCURRED BY PERSONS ACQUIRING ECCLESIASTICAL PROPERTY CONFISCATED BY FRENCH GOVERNMENT

#### S. POENITENTIARIA

##### I.—ATREBATEN.

DUBIA CIRCA EXCOMMUNICATIONEM, QUAM INCURRUNT QUI BONA  
ECCLESIASTICA IN GALLIA A GUBERNIO CONFISCATA ACQUIRUNT.

Beatissime Pater,

Episcopus Atrebatensis, ad pedes Sanctitatis Vestrae humili-  
ter provolutus, sequentium dubiorum solutionem enixe postulat :

I. Utrum civitatis Consilarii eorumque Maior, qui bonum  
quoddam certo religiosum, non in proprios sed in communes urbis  
usus, acquisiverunt, certo subiaceant excommunicationi latae  
a concilio Tridentino (Sess. XXII, cap. XI, *de Reformatione*) et  
confirmatae a constitutione *Apostolicae Sedis* (IV. Alin. *Praeter*  
*hos . . .*) ?

II. Quatenus affirmative, utrum iidem Consilarii eorumque  
Maior, in foro externo, tanquam excommunicati habendi sint  
ante declaratoriam Ordinarii sententiam ?

III. Quatenus negative ad II, utrum, ante omnem declarato-  
riam Ordinarii sententiam, iidem Consilarii eorumque Maior,  
publico suo emptionis voto, et hoc unico voto, publici saltem  
peccatores constituti sint, et tanquam publici peccatores, oppor-  
tunitate data, tractandi, v. g. quoad ecclesiasticam sepulturam ?

IV. Quomodo practice agendum, in sacro Tribunali, cum  
Maiore vel Consiliario, qui pertinaciter contendit se ullatenus  
nec voluisse nec potuisse Congregationi damnum inferre, siquidem  
emerit civitas vel non emerit, bona fuissent dissipata, simul  
vero contendit se unice fuisse de civitatis necessitate aut utilitate  
sollicitum ? Et Deus.

Sacra Poenitentiaria, mature consideratis praepositis dubiis,  
respondet :

Ad primum : ' *Negative.*'

Ad secundum : ' *Provisum in primo.*'

Ad tertium : ' *Negative.*'

Ad quartum : ' *Confessarius de huiusmodi actu poenitentis  
iudicet, attenta quoque eiusdem conscientia. Moneat tamen eum,  
in posterum, in similibus casibus, ipsum indigere facultate Sanctae  
Sedis, quam, si opus est, humiliter petat.*'

Datum Romae die tertia Ianuarii 1906.

V. LUCHETTI, S. Poenitentiariae Sigillator.

F. CHERUBINI, Substitutus.

## II.—ATREBATEN.

DUBIA CIRCA CASUS QUIBUS INCURRATUR IN EXCOMMUNICATIONEM  
AB EMENTIBUS BONA RELIGIOSORUM IN GALLIA.

Beatissime Pater,

Die nona Decembris anni 1905, hae rogandi formulae ab Episcopo Atrebatensi propositae sunt :

I. Utrum civitatis Consilarii eorumque Maior qui bonum quoddam certo religiosum, non in proprios, sed in communes urbis usus acquisiverunt, certo subiaceant excommunicationi latae a concilio Tridentino (Sess. XXII, cap. XI, *de Reformatione*) et confirmatae a constitutione *Apostolicae Sedis* (IV. Alin. *Praeter hos . . .*) ?

II. Quatenus affirmative, utrum iidem Consilarii eorumque Maior, in foro externo, tanquam excommunicati habendi sint ante declatatoriam Ordinarii sententiam ?

III. Quatenus negative ad II, utrum, ante omnem declaratoriam Ordinarii sententiam, iidem Consilarii eorumque Maior, publico suo emptionis voto, et hoc unico voto, publici saltem peccatores constituti sint, et tanquam publici peccatores, opportunitate data, tractandi, v. g. quoad ecclesiasticam sepulturam ?

IV. Quomodo practice agendum, in sacro Tribunali, cum Maiore vel Consiliario, qui pertinaciter contendit se ullatenus nec voluisse nec potuisse Congregationi damnum inferre, siquidem emerit civitas vel non emerit, bona fuissent dissipata, simul vero contendit se unice fuisse de civitatis necessitate aut utilitate sollicitum ?

Et Deus . . .

Sacra vero Poenitentiaria, die 3 Ianuarii anni 1906, mature consideratis praepositis dubiis :

Ad primum respondit : *Negative.*

Ad secundum : *Provisum in primo.*

Ad tertium : *Negative.*

Ad quartum : *Confessarius de huiusmodi actu poenitentis iudicet, attenta quoque eiusdem conscientia. Moneat tamen eum, in posterum, in similibus casibus, ipsum indigere facultate Sanctae Sedis quam, si opus est, humiliter petat. Datum Romae . . .*

Verum, cum propter propagatam in Galliis de Tridentinae excommunicationis extensione interpretationem, pluribus detineatur difficultatibus, Ferdinandus Lejeune, Vicarius Generalis Rm̃i Dñi Episcopi Atrebatensis, eiusdem Episcopi iussu, ad pedes Sanctitatis Vestrae humiliter provolutus, in suam et multorum pariter utilitatem sequentium dubiorum solutionem enixe postulat :

I. An Rescriptum diei 3 Ianuarii 1906 (Resp. ad dubium I)

ita sit intelligendum ut excommunicatio non incuratur in casu, quando :

(1) Votum a civitatis Consiliariis eorumque Maiore emissum obligavit Maiorem ipsum ad emendum ;

(2) Bonum a Maiore sic acquisitum in proprios urbis usus est monasterium, a religiosa communitate legitime possessum et ab eadem prorsus invita derelictum ; a civili potestate usurpatum et a spoliatore seu sic dicto 'liquidatore' pretio venditatum, vi nefandarum legum contra religiosas Congregationes in Galliis latarum ;

(3) Sorores iniuste spoliatae atque in miseriam fere adductae totis viribus renituntur ;

(4) Bona fides difficillime admitti potest ; propter denuntiatam per ephemerides omniumque timoratae conscientiae virorum monita, excommunicationem ?

II. Rursum quatenus negative ad I, scilicet quatenus intelligendum sit excommunicationem in casu incurri, utrum iidem Consilarii eorumque Maior, in foro externo, tanquam excommunicati habendi non sint ante declaratoriam Ordinarii sententiam, etiamsi publice constet de delicto ?

III. Utrum rescriptum (Resp. ad dubium III) ita sit intelligendum ut dicti Consilarii eorumque Maior non habendi sint publici peccatores quando :

(1) Publico suo emptionis voto et publica ipsa emptione maximum toti civitati scandalum intulerunt ;

(2) Emptionem ea mente pacti sunt, ut in monasterio iam spoliato puellarum scholam instituerent neutram seu potius acatholicam ;

(3) Efficaciter ita prohibuerunt catholicos viros quin monasterium idem, obtenta iam tum Sanctae Sedis, tum Episcopi, tum Monialium ipsarum licentia, acquirerent ad catholicam in eo puellarum scholam restituendam ?

IV. Si, postquam civitas bonum cerro religiosum in publicos usus emit, istud idem sive totum sive per partes vendibile proponit, utrum novi emptores, qui iam in proprios usus id acquirunt, excommunicationi supra dictae subiaceant ? Et Deus . . .

Sacra Poenitentia super noviter deductis respondet :

*' Quod spectat ad excommunicationem Tridentinam : in decisis, excepto casu recens proposito, de iis qui bona ecclesiastica usurpata emunt et in proprios usus convertunt, ut iam declaravit Congregatio Sancti Officii.*

*' Quoad casum vero tertium, sub num. III propositum, videat Ordinarius an locus sit censurae contra faventes haereticis.*

*' Ceterum non impeditur Ordinarius quominus in casibus propositis utatur iure suo et, si id expedire iudicaverit, excommunica-*

*ionem decernat in delinquentes futuros vel latae vel ferendae sententiae.*

Datum Romae in S. Poenitentiaria die 8 Martii 1906.

V. LUCHETTI, S. P. Sigillator.

### III.—ATREBATEN.

DE OBLIGATIONE RESTITUTIONIS ILLORUM, QUI BONA RELIGIOSORUM  
IN GALLIA EMPTURI SUNT.

Beatissime Pater,

Episcopus Atrebatensis, ut muneri suo tutius satisfaciat certamque sequatur gravissimis in casibus normam, sequentium dubiorum solutionem enixe postulat:

I. Cum civitatis alicuius Consiliarii, publicis suis votis, spoliatae cuiusdam Congregationis religiosae conventum et bona in publicos usus emenda decreverunt, cumque illorum Maior actu authentico emptionem postea pactus est, utrum iidem Consiliarii eorumque Maior, ob illatam praedictae Congregationi iniuriam, ad restituendum *personaliter* teneantur?

II. Quatenus affirmative, quid, quantum, quomodo restituendum?

III. Rursum, quatenus affirmative, utrum unusquisque Consiliariorum *singillatim* ad totius damni reparationem teneatur, salvo tamen suo contra complices recursu?

IV. Et si nulla iam subsistat praedicta Congregatio spoliata, sive ob extinctionem, sive quamcumque ob causam, utrum persistat restitutionis obligatio? Ac quatenus affirmative, cui et qua mensura restituendum erit? Et Deus . . .

Sacra Poenitentiaria circa praemissa respondit:

ad I: '*Attentis omnibus, quae ad rem spectant, non constare de obligatione restitutionis.*'

ad II, III et IV: '*Provisum in primo.*'

Datum Romae in S. Poenitentiaria die 9 Maii 1906.

B. POMPILI, S. P. Datarius.

FRANC. PASCUCI, S. P. Substitutus.

### IV.—ATREBATEN.

ITEM UTRUM AD RESTITUENDUM TENEANTUR QUI BONA RELIGIOSORUM  
IN GALLIA SUNT EMPTURI.

Beatissime Pater,

Episcopus Atrebatensis, ob motas iam in sua dioecesi ac certo brevi movendas conscientiae difficultates, compleri postulat responsiones a S. Poenitentiaria datas diebus 3 Ianuarii, 8 Martii

et 9 Maii huius anni : ideoque supplex implorat ut sequentia ac gravissima dubia solvere Sanctitas Vestra dinetur :

I. Quum civitas, quae bonum ecclesiasticum usurpatum in publicos usus emit, istud idem sive per totum, sive per partes, vendibile proponit, utrum novi emptores, qui iam in proprios usus id acquirunt, an restitutionem teneantur, ob illatam Congregationi spoliatae iniuriam ?

II. Quatenus affirmative, quid, quantum, quomodo restituendum ?

III. Et, si nulla iam subsistat praedicta Congregatio spoliata, sive ob dissolutionem, sive ob extinctionem, sive quamcumque ob causam, utrum persistat restitutionis obligatio ?—Et quatenus affirmative, cui et qua mensura sit restituendum ? Et Deus . . .

S. Poenitentiaria circa praemissa respondit :

*'Teneri huiusmodi emptores, ratione rei acceptae, ad restitutionem Congregationi vel saltem Ecclesiae :*

*'Restitutionem vero fieri posse per compositionem, ad quam ab Ordinario admitti poterunt, iuxta facultates Eidem a Sacra Poenitentiaria ad triennium concessas in adnexo folio typis impresso.'*

Datum Romae in S. Poenitentiaria die 7 Iunii 1906.

V. LUCHETTI, S. P. Sigillator.

#### V.—SUESSIONEN.

UTRUM CENSURAS CANONICAS INCURRANT QUI VENDITIONI  
BONORUM RELIGIOSORUM IN GALLIA DANT OPERAM.

Beatissime Pater,

Episcopus Suessionensis, ad pedes Sanctitatis Vestrae provolutus, humiliter postulat sequentium dubiorum solutionem :

I. Utrum excommunicationi subiaceat qui libere accepit munus alicuius communitatis religiosae, secundum novam gallicam legem expediendi, vulgo : *'liquidateur'* ?

II. Utrum eandem excommunicationem incurrat scriba aliquis apud tribunal (vulgo : *greffier du tribunal*), si ad id munus suscipiendum moraliter coactus fuerit, ne a sua publica functione deliceretur ?

III. Utrum unus et alter moriens, non receptis sacramentis Ecclesiae, sepultura ecclesiastica privari, saltem tamquam peccator publicus, debeat ?

IV. Quod si, e contra, sacramenta Ecclesiae recipere valeat et velit, utrum restitutio aliqua ei sit iniungenda, cuinam restituere cogatur, et quantum solvere debeat, praesertim si fertilissimus fuit ei in dicto munere quaestus ? Et Deus . . .

Sacra Poenitentiaria, mature consideratis expositis, respondet :

*'Eos, qui sub numero primo et secundo (I, II) recensentur excommunicationem non incurrere.'*

Ad tertium (III) : ' *Decisionem in singulis casibus spectare ad ordinarium.*'

Ad Quartum (IV) : ' *Quoad notarios, ipsos non teneri ad restitutionem. Quoad liquidatores, non satis constare de eorum obligatione.*'

Datum Romae in S. Poenitentiaria die 17 Septembris, 1906.

A. CARCANI, S. P. *Regens.*

F. CHERUBINI, S. P. *Substitutus.*

## THE CONSECRATION AND TITLE OF ALTARS

### RATISBONEN.

SEU CONGREGATIONIS SS. REDEMPTORIS PROV. BAVARICAE.

DUBIA CIRCA CONSECRATIONEM ET TITULUM ALTARIUM

R. P. Mathias Prechtl, Rector Provinciae Bavaricae Congregationis SSmi Redemptoris, de consensu sui Rmi Procuratoris generalis, Sacrorum Rituum Congregationi sequentia dubia pro opportuna solutione humillime subiecit ; nimirum :

I. In ecclesia S. Sepulchri, Congregationis SSmi Redemptoris in civitati Deggendorf, intra fines Ratisbonensis dioecesis, extant tria altaria scil. S. Ioannis Nepomuceni M., Septem Dolorum B. M. V., et Quindecim SS. Auxiliatorum, quorum mensa non constat ex uno et integro lapide, sed ex duobus lapidibus inaequalibus, qui tamen coemento in unum coniuncti sunt. Quaeritur : Utrum haec tria altaria sint valide consecrata, an potius considerata sint tanquam exsecrata ?

II. In ecclesia parochiali eiusdem civitatis mensa altaris maioris fixi constat ex tribus lapidibus, et quidem media maior pars ex marmore, duae aliae laterales partes ex petra arenaria ; sed hi tres lapides coemento in unum sunt coniuncti. Itaque quaeritur : Estne hoc altare fixum valide consecratum ; et si *negative*, media maior pars ex marmore poteritne adhiberi tanquam altare portatile ?

III. Num absque indulto Apostolico et auctoritate tantum ordinaria, titulus altaris fixi commutari possit cum altero titulo, v. gr. titulus S. Sebastiani M. cum titulo B. M. V. de Perpetuo Succursu, et si *negative*, num saltem super altare collocari possit imago B. M. V. de Perpetuo Succursu loco imaginis S. Sebastiani tituli altaris ?

IV. Sufficitne ut imago tituli altaris fixi in tabula vitrea picta retro post altare, in fenestra, applicetur ?

Et Sacra Rituum Congregatio, exquisita sententia Commissionis Liturgicae, omnibusque sedulo perpensis rescribendum censuit :

Ad I. ' *Iuxta Pontificale Romanum et decreta S. R. C. n. 2862*

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Fanen. 17 Iunii 1843 ad I, n. 3725 Meliten. 26 Aprilis 1890, et n. 3750 Salamantina 14 Novembris 1891, mensa altaris fixi et unico et integro lapide constare debet. Hinc ad primam partem negative, ad secundam affirmative; et si commode altarium consecratio cum mensa et unico et integro lapide fieri nequeat, parvus lapis rite consecratus in medio mensae collocetur ad instar altaris portatilis.'

Ad II. 'Negative ad utrumque.'

Ad III. 'Negative ad utrumque iuxta decretum n. 2752 Congregationis Missionis 27 Augusti 1836 ad 5 et 7.'

Ad IV. 'Negative.'

Atque ita rescripsit. Die 10 Novembris 1906.

S. Card. CRETONI, Praefectus.

L. ✠ S.

✠ D. PANICI, Archiep. Laodicea, Secretarius.

**SOLUTION OF DOUBTS REGARDING REQUIEM MASS, VOTIVE MASS OF THE IMMACULATE CONCEPTION, THE RECITATION OF THE CRED AND COLLECTS AT MASS**

**ORDINIS MINORUM.**

**PROVINCIAE GERMANIAE INFERIORIS.**

**DUBIA CIRCA MISSAS DE REQUIE, DE IMMACULATA CONCEPTIONE, ET RECITATIONEM SYMBOLI AC ORATIONUM IN MISSA.**

R. P. Vitalis Keenen, Minister Provincialis Provinciae Germaniae Inferioris, Ordinis Fratrum Minorum, sequentia dubia enodanda Sacrorum Rituum Congregationi humiliter exponit; nimirum:

I. An controversias tollendas circa interpretationem decretorum n. 3903 Aucto 8 Iunii 1896, n. 3944 Romana 12 Ianuarii 1897, Vicen. 3 Aprilis 1900, et Labacen. 23 Aprilis 1902, quaeritur:

1°. An in oratoriis privatis et semipublicis diei possint Missae de Requie omnibus et singulis diebus, exceptis festis de praeepto et duplicibus primae classis et diebus ipsa duplicia primae classis excludentibus, ab obitu usque ad sepulturam, quamdiu nempe corpus praesens est in domo?

2°. Et quatenus affirmative: An idem privilegium valeat etiam pro oratoriis publicis et ecclesiis Seminariorum, collegiorum et religiosarum communitatum, ita ut liceat omnibus et singulis diebus ab obitu usque ad sepulturam, exceptis diebus ut supra indicatis, inibi Missas de Requie celebrare, quamdiu corpus praesens est in domo, ecclesiis vel oratoriis publicis praedictis ad nexa?

II. Quum Missa votiva de Immaculata Conceptione Beatae

Mariae Virginis, singulis diebus infra Octavam eiusdem Mysterii atque singulis sabbatis per annum concessa, iuxta Sacrae Rituum Congregationis decreta dici nequeat, si eodem die agatur commemoratio Officii trium vel novem Lectionum ad ritum simplicem redacti; sed celebrari debeat, pro votiva, Missa Officii de Beata Maria Virgine ad instar simplicis redacti, iisdem iuribus ac privilegiis iam pro votiva concessis, quaeritur :

1°. An in Missa votiva respondente Officiis ad instar simplicis redactis, quae ritum duplicem alias obtinerent, excludantur secunda et tertia oratio de Tempore, et solum admittantur commemorationes occurrentes et collectae, si iuxta Rubricas et decreta admittendae sint ?

2°. An diebus infra Octavas Beatae Mariae Virginis Officio duplici vel semiduplici impeditis Missa Octavae pro votiva Immaculatae Conceptionis solemnitur vel in cantu vel conventualis instar celebretur, ad Missam duplicis vel semiduplicis Sanctorum conventualem, quum omnis commemoratio Octavae per se excludatur ne bis solemniter fiat de eodem Officio occurrente, extra Dominicam debeat omitti Symbolum, quod solum ratione Octavae ad conventualem Officii iuxta Rubricas et decreta suspensae alioquin requiritur ?

III. An omnia eiusdem religiosae Familiae oratoria semipublica, solemniter saltem benedicta enumerata in decreto n. 4007 diei 23 Ianuarii 1899, ius habeant, ut illorum Titularis festum celebretur sub ritu duplici primae classis cum Octava, ita ut de eo agatur inter Suffragia Sanctorum, et ut nominetur in oratione *A cunctis* ?

IV. Quum non una sit sententia circa Symbolum addendum in festis secundariis Sanctorum vel infra eorundem Octavas, quae *Credo* in festo principali vel ipsa solemnitatis die exigunt, quaeritur :

1°. An in festis Patronorum dioecesis et Fundatorum Ordinis seu Congregationis regularis, si ritu saltem duplici gaudeant, dicendum sit ad Missam Symbolum, prouti dicitur in eodem festo principali : ita ut apud Fratres Minores trium Ordinum dici debeat *Credo* in festis secundariis Sancti Patris Nostri Francisci et apud Moniales II Ordinis in festis Sanctae Clarae Assisiensis earumdem Fundatricis ?

2°. An in festis secundariis Patroni principalis vel Titularis ecclesiae dici debeat in Missa Symbolum, si sub ritu saltem duplici celebrentur, sicuti dicitur in eodem festo principali ; ac dici consequenter debeat in festo Decollationis Sancti Joannis Baptistae, si idem Praecursor Domini sub quavis Mysterii nuncupatione sit Patronus praecipuus vel Titularis principalis ecclesiae ?

Et Sacra Rituum Congregatio, audito Commissionis Liturgicae suffragio, omnibusque accurate perpensis respondendum censuit :

Ad I. 'Quoad 1<sup>um</sup>. Affirmative in oratoriis privatis, dummodo cadaver sit adhuc physice praesens in domo; negative in oratoriis semipublicis quae locum tenent ecclesiae.'

'Quoad 2<sup>um</sup> Negative, sed semel tantum in una ex tribus diebus ab obitu usque ad sepulturam decurrentibus.'

Ad II. 'Quoad 1<sup>um</sup> Affirmative, quia est Missa festivi Officii duplicis, licet per accidens, simplicis.'

'Quoad 2<sup>um</sup> Affirmative iuxta decretum Ordinis Fratrum Minorum 19 Iunii 1903 ad 2, quia de octava in caso nulla ratio habenda est iuxta decretum n. 2319 Einsieden.—Reliqua dubia 5 Maii 1736 ad 26.'

Ad III. 'Negative sed tantum in oratorio principali, deficiente ecclesia.'

Ad IV. 'Quoad 1<sup>um</sup> Affirmative iuxta decretum n. 2484 Ordinis Minorum S. Francisci Capuccinorum 27 Augusti 1768, et n. 3249 Ratisbonen. 22 Aprilis 1871 ad I.'

'Quoad 2<sup>um</sup> Affirmative.'

Atque ita rescripsit. Die 10 Novembris 1906.

S. Card. CRETONI, Praefectus.

L. ✠ S.

✠ D. PANICI, Archiep. Laodicea, Secretarius.

#### CAN TONSURED CLERICS TOUCH SACRED VESSELS? AND OTHER DOUBTS

##### DUBIA VARIA.

Insequentium dubiorum declarationes a Sacra Rituum Congregatione expostulatae sunt, nimirum :

I. An clerici prima tantum tonsura initiati, ad mentem decreti 14 Martii 1906, tangere possint vasa sacra et linthea sacra ac calicem praeparare in sacristia absque speciali indulto ?

II. An omnes qui vestem talarem induunt, sint vel non tonsurati, debeant iuxta Rubricas Missalis (*Ritus servandus in celebratione Missae, tit. II, 1*) superpelliceum induere dum Missae inserviunt ?

III. An Diaconus ratione ministerii sui possit, etiam praesentibus sacerdotibus et extra casum necessitatis, Sanctissimum Sacramentum de uno altari ad alterum deferre ?

IV. Iuxta Caeremoniale Episcoporum (*Lib. II, cap. 3, n. 5*), Celebrans Vesperarum, in initio huius Officii, quando ad suum locum pervenit, sedet paululum, exceptis pluvialistis; an omnes

de choro sedere debeant in eodem momento, et in sensu affirmativo consuetudo contraria pro clero de choro potestne servari ?

V. Utrum in Missa solenni coram SSmo Sacramento exposito, Celebrans, postquam dixit in initio *Oramus te* et ad Offertorium *Veni Sanctificator*, debeat cum ministris rursus genuflectere antequam aliquantulum se retrahat versus cornu Evangelii in thuris impositione ?

VI. In eadem Missa, Subdiaconus, accepta patena post oblationem calicis genuflectit in suppedaneo ad dexteram diaconi, debetne iterum genuflectere, cum venerit ante infimum gradum ?

VII. Sacra Rituum Congregatio decrevit quod Missa Ordinationis in Sabbatis Quatuor Temporum sit de Feria ; quaeritur utrum in hac Missa facienda sit commemoratio simplicis aut simplicificati occurrentis ?

VIII. In quodam Seminario studiorum causa sunt duae categoriae sacerdotum sub aliquo respectu distinctae sive quoad exercitia spiritualia, sive quoad alia exercitia. Alii eorum certae vivendi disciplinae minus strictae subiecti sunt et extra Seminarium in ecclesiis diversis Missam celebrant, alii vero in Seminario Missam celebrant. Iuxta indultum alumni omnes huius Seminarii se conformare tenentur Kalendario Congregationis religiosae ad quam pertinent Moderatores et Directores praedicti Seminarii. Quaeritur an utraque categoria sacerdotum huius Seminarii se conformare teneantur Kalendario eiusdem Familiae religiosae ?

IX. Utrum a sacerdote Missam celebrante in ecclesia dedicata alicui mysterio Divinarum Personarum vel in oratorio quod Titulare non habet in oratione *A cunctis* nominari debeat Patronus loci, si in loco ubi celebrat consuetudo adsit faciendi in Suffragiis commemorationem de loci Patrono ?

X. Quando transfertur festum v. g. Annuntiatio B. M. V. in quo exequiae cum Missa exequiali prohibentur, haec prohibitio subsistitne die impedita vel die in qua Officium transfertur ?

XI. An in functione Benedictionis SSmi Sacramenti, praeter orationem de eodem, alia cantari possit ?

Sacra porro Rituum Congregatio, exquisita sententia Commissionis Liturgicae, omnibus sedulo perpensis, rescribendum censuit :

Ad I. '*Affirmative.*'

Ad II. '*Affirmative, nisi pro laicis alicuius Familiae religiosae obstant specialia statuta approbata.*'

Ad III. '*Affirmative.*'

Ad IV. '*Consuetudinem servari posse.*'

Ad V. '*Negative.*'

Ad VI. '*Negative, iuxta Rubricas Missalis (Ritus servandus in celebratione Missae, tit. X, n. 8), et iuxta decretum n. 4027 Plurium dioecesium 9 Iunii 1899 ad II.*'

Ad VII. '*Affirmative in Sabbato Pentecostes; Negative in aliis nisi Officium fuerit de Feria, quo in casu commemoratio non est omittenda.*'

Ad VIII. '*Affirmative, nisi agatur de presbyteris beneficiatis qui, ut alias resolutum est, tenentur sequi Kalendarium ecclesiae sui beneficii.*'

Ad IX. '*Affirmative, si vigeat consuetudo faciendi de Patrono commemorationem.*'

Ad X. '*In die sola impedita, nisi Annuntiatio transferatur cum feriatione.*'

Ad XI. '*Affirmative, priusquam cantetur Tantum ergo. quando aliae dicendae sint preces. Negative in casu opposito, nec non in festo et infra Octavam SSmi Corporis Christi.*'

Atque ita rescipit. Die 23 Novembris 1906.

S. Card. CRETONI, *Praefectus.*

L. ✠ S.

✠ D. PANICI, *Archiep. Laodicen., Secretarius.*

#### PRIVILEGES OF THIRD ORDER OF ST. DOMINIC (SECLAR)

S. CONGREGATIO INDULGENTIARUM ET SS. RELIQUIARUM  
TERTII ORDINIS SAECULARIS S. P. DOMINICI.

SUMMARIUM INDULGENTIARUM, PRIVILEGIORUM AC INDULTORUM  
SODALIBUS TERTII ORDINIS SAECULARIS S. P. DOMINICI  
CONCESSORUM.

#### I.—INDULGENTIAE PLENARIAE.

(a) Tertiariis ex utroque sexu confessis et S. Communionem refectis :

1. Die ingressus in Tertium Ordinem, quo eisdem habitus recipitur.

2. Die professionis.

3. Quoties potioris vitae studio per octo dies continuos spiritualibus exercitiis vacaverint.

4. Semel in mense die cuiusque arbitrio eligendo, si per integrum mensem singulis diebus per quartam horae partem, vel per mediam horam orationi mentali vacaverint.

5. Quo die, canonice ordinati et confessi celebraverint primam Missam vel primae Missae alicuius sodalis astiterint confessi ac S. Communionem refecti.

(b) Iisdem Tertiariis si confessi et sacra Communione refecti ad mentem Summi Pontificis oraverint sequentibus diebus quibus absolutionem generalem seu benedictionem acceperint :

(1) Nativitatis D. N. I. C. ; (2) Paschatis Resurrectionis ; (3) Pentecostes ; (4) SSmi Corporis Christi ; (5) Immaculatae Conceptionis ; (6) Annuntiationis ; (7) Assumptionis ; (8) SSmi Rosarii ; (9) S. P. Dominici ; (10) S. Catharinae Senensis.

(c) Iisdem Tertiariis si confessi ac S. Communione refecti ecclesiam Ordinis aut Sodalitii devote visitaverint ibique ad mentem Summi Pontificis oraverint diebus festis sequentibus :

(1) Nativitatis D. N. I. C. ; (2) Circumcisionis ; (3) Epiphaniae ; (4) Paschatis ; (5) Adscensionis ; (6) Pentecostes ; (7) SSmi Corporis Christi ; (8) SSmi Cordis Iesu ; (9) Purificationis B. M. V. ; (10) Annuntiationis ; (11) Visitationis ; (12) Assumptionis ; (13) Nativitatis ; (14) SSmi Rosarii ; (15) Patroncinii B. M. V. ; (16) Praesentationis ; (17) Immaculatae Conceptionis ; (18) S. Raymundi de Pennafort C. ; (19) Translationis S. Thomae Aquin ; (20) S. Catharinae de Ricciis V. ; (21) Translationis S. Catharinae Senensis ; (22) S. Thomae Aquinatis Doct. C. ; (23) S. Ioseph Sponsi B. M. V. ; (24) S. Vincentii Ferreri C. ; (25) S. Agnetis de Monte Politiano V. ; (26) S. Petri Mart. O.P. ; (27) S. Catharinae Senensis V. ; (28) S. Pii V Papae et C. ; (29) S. Antonini C. ; (30) Translationis S. P. Dominici ; (31) S. Ioannis O.P. ; et Sociorum MM. Gorgom ; (32) S. Mariae Magd. Protect. O.P. ; (33) S. P. Dominici ; (34) S. Hyacinthi C. ; (35) S. Rosae Limanae V. ; (36) Commem. S. P. Dominici in Suriano ; (37) S. P. Francisci Assis. ; (38) S. Ludovici Bertrandi C. ; (39) Omnium Sanctorum O.P. ; (40) S. Catharinae Virg. Mart. Protect. O.P. ; (41) Iis qui quatuor anniversariis vel officiis defunctorum in Ordine Praedicatorum praescriptis, uno scilicet pro animabus Fratrum, Sororum, ac Tertiariorum ipsius Ord. (die 10 Novembr.), altero pro animabus suorum consanguineorum et affinium (die 4 Febr.), tertio pro familiarum et benefactorum suorum animabus (die 5 Sept.), quarto pro sepultis in eorum ecclesiis et coemeteriis (die 12 Iul.), devote interfuerint ac confessi et SS. Eucharistiae Sacramentum sumpserint atque uti supra oraverint.

(d) Iisdem Tertiariis morituris si uti supra dispositi vel saltem contriti SS. Iesu nomen ore si potuerint, sin minus corde devote invocaverint.

## II.—INDULGENTIAE PARTIALES.

### (a) *Septem annorum et totidem quadragenarum :*

I. Tertiariis qui saltem corde contritio diebus in praecedenti capite I. C. enumeratis ecclesiam Ordinis aut Sodalitii visitaverint ibique ad intentionem Summi Pontificis oraverint.

2. Qualibet vice per mediam horam orationis mentalis exercitio devote vacaverint.

(b) *Tercentorum dierum* :

Quoties aliquod pium opus pietatis vel caritatis, corde saltem contritio, exercuerint.

### III.—INDULGENTIAE STATIONALES.

Diebus Stationum in Missali Romano descriptis iidem Tertiarii si ecclesiam in qua sedes Sodalitii est constituta vel, ea deficiente, propriam ecclesiam Parochialem visitaverint, ibique ad mentem Summi Pontificis oraverint, easdem indulgentias consequuntur quos lucrarentur si ecclesias Urbis in eodem Missali recensitas praefatis diebus personaliter visitarent, dummodo alia pia opera praescripta exercuerint.

### IV.—INDULGENTIAE PRO RECITATIONE NONNULLARUM PRECUM.

1. Pro Responsorio : *O spem miram* :

Tertiarii quoties Responsorium : *O spem miram* in honorem S. Dominici recitaverint, indulgentiam quingentorum dierum semel quolibet die lucratur, et si per totum annum quotidie illud recitaverint, indulgentiam plenariam in festo : (a) S. P. Dominiti (4 Aug.) ; (b) Translationis eiusdem S. P. (25 Maii), et (c) Commemorationis eiusdem in Suriano (15 Sept.).

2. Pro orationibus S. Catharinae Senensis vel ad ipsam :

Tertiariis indulgentiam centum dierum lucratur semel in die pro recitatione singularum ex his orationibus :

(a) Ad S. Catharinam Senensem *O virgo* cum versiculo et oratione.

(b) Pro Summo Pontifice ab ipsa S. Catharina dictata : *O Dio supremo ed ineffabile*.

(c) Pro Ecclesia pariter ab ipsa composita : *Ho ricorso a Voi*.

Omnes et singulae indulgentiae hucusque relatae, excepta tamen plenaria in mortis articulo lucranda, sunt etiam applicabiles animabus defunctorum in Purgatorio detentis.

### V.—PRIVILEGIA.

1. Sacerdotes Tertiarii ad quodlibet altare Missam celebraverint gaudent indulto personali altaris privilegiati tribus in qualibet hebdomada diebus, dummodo pro alia die simile indultum non obtinuerint.

2. Missae omnes quae in suffragium sodalium defunctorum celebrantur sunt semper et nique privilegiatae.

### VI.—INDULTA.

1. Tertiarii degentes in locis ubi nulla extat ecclesia Ordinis Praedicatorum vel Sodalitii lucrari valent eas omnes indulgentias

quas dictam ecclesiam visitando lucrarentur, dummodo respectivam parochialem ecclesiam visitent, caeteris conditionibus adimpletis.

2. Tertiarii si sint infirmi vel convalescentes nec commode possint e domo egredi, recitando quinquies *Pater* et *Ave* et orando ad mentem Summi Pontificis, lucrari possunt easdem indulgentias ac si personaliter ecclesiam Ordinis vel Sodalitū visitarent, caeteris tamen conditionibus adimpletis.

3. Tertiarii, qui in collegiis, seminariis aliisque communitatibus degunt, lucrari valent indulgentias Sodalitati proprias privatum respectivae domus sacellum visitando, caeteris adimpletis conditionibus.

4. Tertiarii recitantes Officium parvum B. M. V. secundum ritum FF. Praedicatorum easdem indulgentias lucrantur, quas lucrarentur si illud uti extat in Breviario Romano reci tarent.

#### DECRETUM.

Quum, per decretum huius S. Congregationis Indulgentiis Sacrisque Reliquiis praepositae diei 18 Iulii 1902 undequaque abrogatis omnibus indulgentiis, quibus Tertiarii saeculares cuiusvis Ordinis ob communicationem cum primo et secundo Ordine respectivo perfruebantur, Supremis Moderatoribus religiosorum Ordinum proprium Tertium Ordinem habentium praescriptum fuerit ut novum indulgentiarum indicem pro suis Tertiariis saecularibus proponerent, Magister Generalis Praedicatorum, tali mandato obtemperans, novum praedictum indicem elaboravit, illumque huic S. Congregationi humillime subiecit, quae, adhibita etiam quorundam ex suis Consultoribus opera, illum ad examen revocavit.

SSmus vero Dominus N. Pius PP. X, in audientia diei 13 Iunii 1906, audita de his omnibus relatione facta ab infrascripto Card. Praefecto, ex indulgentiis in supra proposito elencho enumeratis, eas, quae olim Tertiariis directe tributae fuerunt benigne confirmavit, alias vero, loco earum quibus vi communicationis gaudebant clementer est elargitus; simulque mandavit ut in posterum praedicti Ordinis Sodales Tertiarii in saeculo viventes earum tantummodo participes evadant indulgentiarum eisque potiantur privilegiis et indultis quae in praedicto elencho recensentur. Quam concessionem eadem Sanctitas Sua perpetuis quoque futuris temporibus valituram esse voluit absque ulla Brevis expeditione. Contrariis quibuscumque non obstantibus.

Datum Romae e Secret. eiusdem S. C. die 13 Iunii 1906.

A. Card. TRIPEPI, *Praefectus*.

L. ✠ S.

✠ D. PANICI, *Archiep. Laodicen., Secretarius*.

## USE OF THE SLAV LANGUAGE IN THE LITURGY

## DECRETUM

DE USU LINGUAE SLAVONICAE IN SACRA LITURGIA <sup>1</sup>

Acres de liturgico palaeoslavi seu glagolitici sermonis usu controversias, quae diu iam in provinciis Goritiensi, Iadrensi et Zagabriensi dioeceses plures commoverunt, compositas atque adeo sublatas omnino esse oportuit, post ea quae Sacrum hoc Consilium itemque illud extraordinariis Ecclesiae negotiis praepositum, Pontificis Maximi nomine et auctoritate, decreverat. Sed tamen nondum ipsas conquievisse dolendum est; siquidem, hic sermo etiamnunc multifariam contra praescriptum usurpatur in perfuntione sacrorum; id quod non modo magnam affert et admirationem et offensionem pietati publicae, verum, cum

<sup>1</sup> NOTA.—Neminem latet gravitas huius Decreti quod nuper dedit SS. Rituum Congregatio ad dirimendas acres de liturgico palaeoslavi seu glago litici sermonis usu. Iamdiu hae controversiae commoverunt praesertim provincias Goritiensem, Iadrensem et Zagabriensem; neque satis efficacia videntur fuisse non paucae hortationes, litterae et decreta data sive a S. Congregatione Negotiis Ecclesiasticis Extraordinariis praeposita sive a SS. Rituum Congregatione. Idcirco nunc haec eadem S. Congregatio novum dat decretum, ut ita dicam, peremptorium, spe freta fore ut nulla amplius controversia et dubium in posterum oriatur. Opportunum itaque ducimus haec praecipua referre acta quae ad hoc peculiarissimum argumentum se referunt:

## I.—3768.—RESOLUTIONES SS. RITUUM CONGREGATIONIS CIRCA USUM LINGUAE SLAVICAE.

Nonnulla dubia super usu linguae palaeoslavicae in sacra liturgia Sacrae Rituum Congregationi pro opportuna declaratione nuper exhibita sunt. Quum vero Sacra eadem Congregatio circa istud sane grave negotium iam pridem suum studium impenderit, ut quaedam normae Rmis. locorum Ordinariis hac in re traderentur, tandem in ordinario Coetu die 13 Februarii 1892 coadunato, post maturum examen attentisque praescriptionibus S. Sedis ac potissimum Apostolica Constitutione *Ex pastoralis munere* Summi Pontificis Benedicti XIV, diei 26 Augusti 1754, insequentes resolutiones elicere censuit, nimirum:

I. 'In Functionibus liturgicis lingua slavica, ubi legitime in usu est, debet esse antiqua slavica, non moderna sive vulgaris.'

II. 'Non licet Missam legere vel cantare utendo partim lingua latina, partim slavica; sed permitti potest, ubi lingua slavica invaluit, ut cantatis latino Sermone Epistola et Evangelio, utrumque canatur etiam lingua palaeoslavica.'

III. 'Sacerdotes, qui ius habent Missas celebrandi et Horas persolvendi lingua slavica, debent non solum uti lingua slavica liturgica, sed etiam, si addicti sunt Ecclesiae, ubi lingua latina adhibetur, Missam solemnem latine celebrare et Horas latino sermone cantare. Idem dicatur de Sacerdotibus, qui, latine Missam celebrantes et Horas persolventes, ministrant Ecclesiae ubi slavica lingua legitime introducta est.' Die 13 Februarii 1892.

## II.—3999.—SACRAE RITUUM CONGREGATIONIS AD ARCHIEPISCOPOS, EPISCOPOS ET ORDINARIOS PROVINCIARUM GORITIEN., IADREN. ET ZAGABRIEN.

## LITTERAE DE USU LINGUAE SLAVICAE IN SACRA LITURGIA.

Quae praecipue observanda sunt, vel cavenda, circa usum palaeoslavici idiomatis in sacra liturgia, Sacra haec Congregatio iam edixit die 13

gravi etiā caritatis pacisque christianae detrimento, Christi-fideles, vel intra domesticos parietes, hostiles facit.

Tanta obtemperationis debitae oblivio quantae sit aegritudini SSmo D. N. Pio PP. X, facile aestimari potest; Isque, Apostolici officii sui esse intelligens, huiusmodi controversiis imponere finem, nuper huic Sacrae Congregationi mandavit, ut, datis ad Rmos Archiepiscopos, Episcopos et Ordinarios ceteros provinciarum memoratarum litteris, quaecumque Decreto diei 5 Augusti 1898 aliisque deinceps praescripta fuissent, omnia, nonnullis opportune mutatis, revocaret, eaque sancte inviolateque, onerata ipsorum Antistitum conscientia, observari iuberte.

Primum igitur, quum eo ipso Decreto cautum fuerit, ut Ordinarii singuli indicem conficerent atque exhiberent omnium suae dioecesis ecclesiarum, quas certum esset privilegio linguae

Februarii 1892; atque iis opportune significavit Slavorum Meridionalium Episcopis, qui ecclesiis praesunt ubi eiusmodi praxis invaluit. Quum vero, hac super re, Apostolicae Sedi nova proposita sint dubia, Ssmus D. N. LEO DIV. PROV. PAPA XIII, pro sua erga Slavos paterna sollicitudine, ad praedictas normas enucleandas et firmandas, omnemque removendam perplexitatem, grave hoc negotium peculiaris coetus S. R. E. Cardinalium examini submitti iussit.

Re igitur in omnibus mature perpensa, attensisque Summorum Pontificum Constitutionibus et Decretis, praesertim Innocentii IV qui Episcopis Senien., a. 1248, et Veglen., a. 1252, slavica utendi lingua concessit *licentiam, in illis dumtaxat partibus ubi de consuetudine observantur praemissa, dummodo ex ipsius varietate literae sententia non laedatur*; item Urbani VIII cuius iussu a. 1631 libri liturgici glagolitice editi sunt, *ad usum ecclesiarum ubi hactenus praefato idiomate celebratum fuit, nisi maluerint latino*; nec non Benedicti XIV qui novam ipsorum librorum editionem, a. 1754 authenticam declaravit, pro iis *qui ritum slavo-latinum profitentur*; ac demum Pii VI qui a. 1791 Breviarium eius auspiciis denuo impressum recognovit, iidem Emi. Patres eas quae sequuntur regulas statuerunt, illasque SANCTITAS SUA ratas habuit, adprobavit et in posterum ab omnibus inviolate servari mandavit:

I. Usus palaeoslavicae linguae in sacra liturgia considerari et haberi debet velut *reale privilegium* certis inhaerens ecclesiis, minime vero ad instar privilegii *personalis*, quod nonnullis sacerdotibus competat.

Episcoporum igitur officii munus erit, in unaquaque dioecesi quam primum conficere indicem seu catalogum ecclesiarum omnium et singularum, quas certo constet, in praesens ea concessionem rite potiri.

Ad dubia porro amovenda, asserti privilegii probatio desumatur ex documentis ac testimoniis quae in tuto ponant et probe demonstrent illud invaluisse et reapse vigere triginta saltem abhinc annis; quod temporis spatium in re praesenti tamquam sufficiens habetur ex indulgentia speciali Sanctae Sedis.

Si quae deinceps controversiae aut difficultates in eiusmodi probatis num negotio oriantur, illas Episcopi Sacrae Rituum Congregationi subiiciant, rerum adiuncta explicate et distincte exponendo pro singulorum casuum solutione.

II. Praedicto ecclesiarum privilegiatarum indice semel confecto et publicato, nulli prorsus licebit, in aliis ecclesiis, quacumque ratione vel quovis praetextu, linguam palaeoslavicam in sacram liturgiam inducere: si quid vero secus aut contra contigerit attentari, istiusmodi ausus severa coërcitione reprimantur.

III. In ecclesiis quae supra memorato gaudent privilegio, Sacrum

glagoliticae in praesens uti; quumque ei praescriptioni satisfactum non sit, quippe talis index, licet studiose expetitus, desideratur tamen adhuc, eundem Sacra haec Congregatio praecipit ut Ordinarii omnes intra mensem Iulium anni proximi Apostolicae Sedi exhibeant, his quidem legibus confectum:

Ut eae dumtaxat ecclesiae, tamquam hoc privilegio auctae, notentur, in quibus non coniectura aliqua sed certis monumentis ac testibus constiterit, linguam glagolicam ab anno 1868 ad praesens tempus sine intermissione in sacris peragendis adhibitam esse:

Ut, eiusdem privilegii nomine, nullae istis adscribantur ecclesiae, ubi in solemnibus Missis latina lingua celebrandis Epistolam et Evangelium cantari glagolitice mos fuerit, eoque minus ubi ista sermone croatico vulgari canantur.

facere et Officium persolvere publica et solemnii ratione, permissum exclusive erit palaeoslavico idiomate, quacumque seclusa alterius linguae immixtione. Libri ad Sacra et ad Officium adhibendi characteribus glagoliticis sint excusi atque ab Apostolica Sede recogniti et adprobati: alii quicumque libri liturgici, vel alio impressi characteres, vel absque approbatione Sanctae Sedis, vetiti omnino sint et interdicti.

IV. Ubi cumque populus sacerdoti celebranti respondere solet, aut nonnullas Missae partes canere, id etiam nonnisi lingua palaeoslavica, in ecclesiis privilegiatis fieri licebit. Idque ut facilius evadat, poterit Ordinarius fidelibus exclusive permittere usum manualis libri latinis characteribus, loco glagoliticorum exarati.

V. In praefatis ecclesiis quae concessione linguae palaeoslavicae indubitanter fruuntur, Rituale slavico idiomate impressum adhiberi poterit in sacramentorum et sacramentalium administratione, dummodo illud fuerit ab Apostolica Sede recognitionem et probatum.

VI. Sedulo curent Episcopi in suis Seminariis studium provehere cum latinae linguae, tum palaeoslavicae, ita ut cuique dioecesi necessarii sacerdotes praesto sint ad ministerium in utroque idiomate.

VII. Episcoporum officium erit, ante Ordinationem sacram, designare clericos qui latinis vel qui palaeoslavice ecclesiis destinentur, explorato in antea sum promovendorum voluntate et dispositione, nisi aliud exigat ecclesiae necessitas.

VIII. Si qui sacerdos, addictus ecclesiae ubi latina adhibetur lingua, alteri debeat ecclesiae inservire quae palaeoslavici fruitur idiomatis privilegio, Missam solemnem ibi celebrare, Horasque canere tenebitur lingua palaeoslavica; attamen illi fas erit privatim Sacra peragere et Horas canonicas persolvere latina lingua.

Idem vicissim dicatur de sacerdote, palaeoslavici idiomatis ecclesiae adscripto, cui forte latinae ecclesiae deservire contigerit.

IX. Licebit pariter sacerdotibus latini eloquii ecclesiae inscriptis, in aliena ecclesia quae privilegio linguae palaeoslavicae potitur, Missam privatam celebrare latino idiomate.

Vicissim sacerdotes, linguae palaeoslavicae ecclesiis addicti, eodem idiomate Sacrum privatim facere poterunt in ecclesiis ubi latina lingua adhibetur.

X. Ubi usus invaluit in Missa solemnii Epistolam et Evangelium slavice canendi, post eorumdem cantum latino ecclesiae ipsius idiomate absolutum, huiusmodi praxis servari poterit, dummodo adhibeatur lingua palaeoslavica. In Missis autem parochialibus fas erit, post Evangelii recita-

Praeterea, Sacra haec Congregatio, quae infrascripta sunt, approbante item Summo Pontifice, religiosissime observanda edicit :

I. Quandoquidem Apostolica Sedes de usu glagolitiace linguae liturgico opportunum factu censuit, certis terminare finibus quod olim indulserat, usus huiusmodi considerari et haberi ab omnibus debet ut privilegium *locale*, quibusdam adhaerens ecclesiis, minime vero ut *personale*, quod ad nonnullos Sacerdotes, qui palaeoslavicae dictionis periti sint, eam adhibere non poterunt, Sacrum facientes in ecclesia, quae hoc privilegio careat.

II. Semel confecto et publicato ecclesiarum privilegiatarum indice, nulli prorsus licebit in aliis ecclesiis, quacumque causa aut praetextu, linguam palaeoslavica in sacram liturgiam inducere. Si quis vero, saecularis aut regularis Sacerdos, secus

tionem, illud perlegere vulgari idiomate, ad pastorem fidelium instructionem.

XI. Si forte, in paroeciis quae linguam habent palaeoslavica, aliquis e fidelibus prolem renuat sacro sistere fonti nisi Rituali latino baptismus conferatur ; vel si qui matrimonium recusent celebrare nisi latina lingua sacer absolvetur ritus, Parochus opportune illos instruat, moneatque ; et si adhuc in propria sententia persistent, baptismum, aut benedictionem nuptialem privatim latina lingua ministret.

Vicissim agatur, in paroecia latinae linguae, si quis slavico idiomate ritus praedictos omnino peragi similiter exigit.

XII. In praedicatione verbi Dei, aliisve cultus actionibus quae stricte liturgicae non sunt, lingua slavica vulgaris adhiberi permittitur ad fidelium commodum et utilitatem, servatis tamen generalibus Decretis huius S. Rituum Congregationis.

XIII. Episcopi illarum regionum ubi eadem in usu est lingua vernacula, studeant uniformi curandae versioni precum et hymnorum quibus populus indulget in propria ecclesia, ad hoc ut qui ex una ad aliam trans-eunt dioecesim vel paroeciam in nullam offendant precationum aut cantorum diversitatem.

XIV. Pii libri in quibus continetur versio vulgata liturgicarum precum ad usum tantummodo privatum christifidelium, ab Episcopis rite recogniti sint et approbati.

Datum Romae, ex Secretaria SS. Rituum Congregationis die v Augusti anno MDCCCXVIII.

C. Card. MAZZELLA, S. R. C. Praefectus.

D. PANICI, S. R. C. Secretarius.

### III.—DECLARATIO ART. I. LITTERARUM SACRAE RITUUM CONGREGATIONIS DIEI 5 AUGUSTI 1898.

#### DUBIUM.

¶ Circa interpretationem art. 1. Decreti N. 3999 seu Litterarum Sacrorum Rituum Congregationis diei 5 Augusti 1898, de usu linguae Slavicae in sacra liturgia, sequens dubium, pro opportuna declaratione, Apostolicae Sedi suppliciter propositum fuit, nimirum :

Utrum privilegium linguae palaeoslavicae extinctum fuerit ob interruptum usum eiusdem linguae, intra postremos triginta annos, in illis etiam ecclesiis de quibus certo constat eas antea fuisse in legitima eiusdem linguae possessione ?

Sanctissimus Dominus Noster LEO PAPA XIII, attentis expositis, ex consulto eiusdem Sacrae Congregationis cuius examini hoc negotium

fecerit, aut id attentaverit, ipso facto a celebratione Missae ceterorumque sacrorum suspensus maneat, donec ab Apostolica Sede veniam impetrabit.

III. In ecclesiis, quae privilegio fruuntur, Sacrum facere et Officium persolvere publica et solemnique ratione, permissum exclusive erit palaeoslavico idiomate, quacumque seclusa alterius linguae immixtione, salvis tamen praescriptis ad § XI huius Decreti. Libri autem ad Sacra et ad Officium adhibendi characteribus glagoliticis sint excusi atque ab Apostolica Sede recogniti et approbati: alii quicumque libri liturgici, vel alio impressi characteres, vel absque approbatione Sanctae Sedis, vetiti omnino sint et interdicti.

IV. Ubicumque populus Sacerdoti celebranti respondere solet, aut nonnullas Missae partes canere, id etiam nonnisi lingua palaeoslavica, in Ecclesiis privilegiatis fieri licebit. Idque ut facilius evadat, poterit Ordinarius, fidelibus exclusive, permittere usum manualis libri latinis characteribus, loco glagoliticorum, exarati.

V. In praefatis ecclesiis, quae concessione linguae palaeosla-

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commisum fuerat declarare dignatus est 'praefatis ecclesiis privilegium extinctum non fuisse, si usus linguae palaeoslavicae intra postremos triginta annos intermissus fuerit non voluntarie, sed ex necessitate ob externas causas impediens, velut ex deficientia palaeoslovarum Missalium aut Sacerdotum eiusdem linguae peritorum.'

Atque ita rescribi et declarari mandavit, ceteris praefati decreti, ac Litterarum diei 5 Augusti 1898, praescriptionibus in suo robore permanentibus.

Die 14 Augusti 1900.

IV.—DECRETUM SEU LITTERAE SS. RR. CONGREGATIONIS AD ARCHIEPISCOPOS, EPISCOPOS ET ORDINARIOS PROVINCIARUM GORITIEN., IADREN ET ZAGABRIEN.

579 Sanctissimus Dominus Noster Pius Papa X praesens decretum seu litteras S. RR. Congregationis ad RRmos. Dominos Archiepiscopos, Episcopos, et Ordinarios Provinciarum Goritien., Iadren et Zagabrien. expediri mandavit, ut eiusdem innotescant quae de usu linguae palaeoslavicae in sacra liturgia ab eadem S. Congregatione, in Comitibus die 3 huius mensis ad Vaticanum habitis decreta, et die 4 subsequenti ab ipso SSmo. Domino Nostro approbata fuerint nimirum:

Documenta recentiora sive ab ecclesiasticis sive a laicis praesertim Spalatensis dioeceseos, Apostolicae Sedis iudicio subiecta, ut linguae palaeoslavicae usus liturgicus extra limites iuris amplificetur, mature et diligenter expensa sunt. Quum vere nihil fere novi repertum sit quod antea non fuerat plus minusve deductum atque discussum, inde fit ut eadem rationum momenta quae Apostolicam Sedem moverunt ad quasdam normas super praedicto usu linguae palaeoslavicae stabiliendas per decreta S. R. C. 13 Februarii 1892 et 5 Augusti 1898 cum declarationibus 14 Augusti 1900 et 14 Martii 1902, nunc etiam inducant ipsam S. Sedem ad haec omnia sarta tecta, tuenda atque in suo robore confirmanda. Eo vel magis quod decretum praecipuum d. d. 5 Augusti 1891 libenter exceptum, habendum quoque sit uti speciale Indultum linguae palaeoslavicae favens in regionibus croaticis, atque obiectiones nuper allatae, a simplici facti

vicae indubitanter fruuntur, Rituale, slavico idiomate impressum, adhiberi poterit in Sacramentorum administratione, dummodo illud fuerit ab Apostolica Sede recognitum et approbatum. ¶

VI. Sedulo curent Episcopi in suis Seminariis studium provehere cum latinae linguae, tum palaeoslavicae, ita ut cuique dioecesi necessarij Sacerdotes praesto sint ad ministerium in utroque idiomate.

VII. Episcoporum officium erit, ante Ordinationem sacram, designare Clericos, qui latinis vel qui palaeoslavice ecclesiis destinentur, explorata in antecessum promovendorum voluntate et dispositione, nisi aliud exigat Ecclesiae necessitas.

VIII. Si quis Sacerdos, addictus ecclesiae, ubi latina adhibetur lingua, alteri debeat ecclesiae inservire, quae palaeoslavici fruitur idiomatis privilegio, Missam solemnem ibi celebrare Horasque canere tenebitur lingua palaeoslavica: attamen illi fas erit privatim Sacra peragere et Horas canonicas persolvere latina lingua.

Sacerdos vero, palaeoslavici idiomatis ecclesiae adscriptus, cui forte latinae ecclesiae deservire contigerit, non solemnem

questionem orate agnoscantur, nempe ex eo quod nulla vel fere nulla Ecclesia Spalatensis dioeceseos praefato Indulto, uti fertur, comprehensa sit. Hanc autem quaestionem et ceteras eiusdem generis hic sacer ordo benevolo et aequo animo, si forte ad Ipsum rite deferantur, in examen vocare ac dirimere paratus est, ad normam enunciati decreti 5 Augusti 1898 Interea temporis quaevis partium agitationes ac motus qui ad Apostolicae Sedis iudicium praeventendum vergant penitus improbantur.

Itaque eadem Sanctitas Sua bono et quieti croaticae regionis, pro sua suprema sollicitudine pastorali consulere volens, vehementer optat ut praeaudati SS. Antistites in unum locum conveniant collatisque consiliis ac studiis una eademque qua par est agendi ratione, praefate SS. RR. Congregationis decreta in propriis dioecesibus fideliter exequi curent. Ubi autem opus fuerit non desint expresse prohibere quaslibet manifestationes cleri sive saecularis sive regularis eo intentas ut praedictarum App. Praescriptionum vim ac vigorem imminuant nec sinant aliquid in lucem edi de rebus liturgicis absque eorum licentia scripto apposita: facta quoque ab Ipso SSmo. Dño Nostro eisdem Archiepiscopis, Episcopis et Ordinariis speciali potestate coercendi contumaces etiam religiosos poenis a iure sanctis. Tandem opere praetium est ut, in enunciato conventu ipsi SS. Antistites communem epistolam exarare fidelibusque sibi commissis dirigere satagant, qua explicate et distincte illos instruant super statu praesentis quaestionis, eosque suavi quadam firmitate magnopere hortentur ut cum quiete et tranquillitate obsequium atque obedientiam in Ap. Sedem et in Rom. Pontificem Christi in terris Vicarium, singulari perpetuoque studio servent et profiteantur.

Datum Romae ex Secretaria SS. RR. Congregationis die 19 Septembris 1903.

Ita reperitur in Actis et Registris eiusdem Secretariae, praedicta die 16 Septembris 1903.

D. PANICI Archiep. Laodicen., S. R. C. Secret.

L. ✠ S.

V.—Cf. Rescriptum eiusdem SS. Rituum C. in *Acta Pontificia* Vol. 4<sup>o</sup> pag. 68 *Tergestina et Iustinopolitana* die 3 Iunii 1904.

tantummodo, sed privatam etiam Missam celebrare itemque Horas canere tenebitur latina lingua ; relicta illi solum facultate Officium privatim persolvendi glagolitice.

IX. Licebit pariter Sacerdotibus, latini eloquii ecclesiae inscriptis, in aliena ecclesia, quae privilegio linguae palaeoslavicae potitur, Missam privatam celebrare latino idiomate. Sacerdotes vero, linguae palaeoslavicae ecclesiis addicti, eodem hoc idiomate ne privatum quidem Sacrum facere poterunt in ecclesiis, ubi latina lingua adhibetur.

X. Ubi usus invaluit in Missa solemni Epistolam et Evangelium slavice canendi, post eorundem cantum latino ecclesiae ipsius idiomate absolutum, huiusmodi praxis servari poterit. In Missis autem parochialibus fas erit post Evangelii recitationem illud perlegere vulgari idiomate, ad pastorem fidelium instructionem.

XI. In ipsis paroeciis, ubi viget linguae palaeoslavicae privilegium, si quis fidelis ostenderit se cupere aut velle, ut Baptismus vel sacramenta cetera, Matrimonio non excepto, sibi suisve administrentur secundum Rituale Romanum latinum, et quidem publice, eademque lingua habeantur rituales preces in sepultura mortuorum, huic desiderio aut voluntati districte prohibentur Sacerdotes ullo pacto obsistere.

XII. In praedicatione verbi Dei, aliisve cultus actionibus quae stricte liturgicae non sunt, lingua slavica vulgaris adhiberi permittitur ad fidelium commodum et utilitatem, servatis tamen Generalibus Decretis huius Sacrae Rituum Congregationis.

XIII. Episcopi illarum regionum, ubi eadem in usu est lingua vernacula, studeant uniformi curandae versioni precum et hymnorum, quibus populus indulget in propria ecclesia : ad hoc ut qui ex una ad aliam transeunt dioecesim vel paroeciam, in nullam offendant precationum aut canticorum diversitatem.

XIV. Pii libri, in quibus continetur versio vulgata liturgicarum precum, *ad usum tantummodo privatum Christifidelium*, ab Episcopis rite recogniti sint et approbati.

Datum Romae, ex Secretaria Sacrorum Rituum Congregationis, die 18 Decembris anno 1906.

L ✠ S.

✠ SERAPHINUS Card. CRETONI,  
S. R. C. Praefectus.

✠ DIOMEDES PANICI, Archiep. Laodicen.,  
S. R. C. Secretarius.

## POPE PIUS X AND THE SODALITY OF ST. JEROME

## ACTA SUMMI PONTIFICIS

## EPISTOLA

PII PP. X AD EMUM. D. CARD. CASSETTA PATRONUM SODALITATIS  
HIERONYMIANAE SACRIS EVANGELIORUM LIBRIS VULGANDIS.

## PIUS PP. X.

VENERABILIS FRATER NOSTER, SALUTEM ET APOSTOLICAM  
BENEDICTIONEM.

Qui piam a Sancto Hieronymo Sodalitatem iam inde pre-  
catione bona felicibusque auspiciis sumus prosecuti, quum  
Patriarchalem Venetiarum administraremus Ecclesiam, nunc,  
nec tamen multos post annos, ex Ecclesiae suprema sede sin-  
gularem quamdam videmus voluptatem posse percipere, quod,  
breui tempore, profectus eamdem fecisse tantos fructusque  
tulisse tam uberes intelligamus. Non enim Italiam modo,  
cuius in urbibus tria condita scimus, pro fecundiore efficacitate  
rei, consociationis domicilia, sed etiam Americam Hieronymiana  
Sodalitas vulgatis Evangelii pervasit, eo usque proferens  
libros, ubi italicam comperiret personantem linguam, iis maxime  
adiuvandis qui ex Italia migrassent. Equidem exemplariorum  
ferme quingenta millia esse edita et opportuno iudicio dissemi-  
nata in vulgus, ista splendide commostat res, socios operis  
institisse negotium incredibili quodam studio, praegrandemque  
agendi campum sodalitatem esse complexam. Mirum procul  
dubio facinus, tantoque id magis si tenuia assequendae rei prae-  
sidia cogitentur: iucundum etiam et fauste auspiciatum, si  
propositum sodalitis bonum spectemus, opportunitatem nempe,  
facilitatemque multitudini offerendam Evangelii perlegendi con-  
templandique, horum potissimum in necessitatibus temporum  
quando nimis, quam unquam alias, ardentius lectioni opera  
datur, animis, ut plurimum, noxiae; frugiferum quoque et  
salubre, quum quidem ipsum per se, quippe vi abundat divina  
rerum, Christi, id est, describenda vita, qua ad sanctitudinem  
morum nihil praestantius aut efficacius; tum vero ideo prae-  
sertim quia magisterio Ecclesiae usui magno est, sive aptius  
comparandis animis ad divina excipienda praeconia, sive iis  
defigendis in memoria clariusque custodiendis, quae antea  
fuerint a Curionibus de Evangelio explanata. Ad haec, non  
illud est in postremis eorumdem librorum beneficiis censendum,  
si quidem tempora spectes, quod istis vulgandis legendisque,  
imago divinae vocis quaedam ad eos etiam pertingit, quibus,  
desperatione vitae aut odio aut errore occupatis, cum sacerdote  
necessitudo nulla est: magnum certe et peroptandum Nobis

benefactum, libris posse, ubi per vocem non licet, mederi animis hominum, et perturbatas publice privatimque res documentis vitae Christi restituere. Iam, sollertia Nobis perspecta est et explorata, qua in munere obeundo suo sodalitas incumbit, prop-  
tereque non e re esse arbitramur hortari socio et acueri, quo alacrius in incepto perstent. Hoc tamen, ab uberiora quotidie incrementa operis accuranda, ne fugiat: eam esse omnium utilissimam rem, quae tempori magis respondeat; eamque oportere duplicatis urgere viribus, quae brevi, adeo se, allatis bonis, probavit. Communem idcirco legendi Evangelii cupidinem, studio excitatam vestro, poscite progrediente exemplariorum vi non sine fructu exerenda unquam; erit id ad eam etiam abolendam opinionem utile, Scripturis Sacris, vernacula lingua legendis repugnare Ecclesiam aut impediendi quidpiam interponere. Quum autem illud maxime intersit, non modo hoc tale sodalitatis propositum prae ceteris persequi, quae alacritatem eius actuosam possint allicere, verum etiam viribus persequi nulla ratione disiectis, id quoque erit commodi factum, si in libris vulgandis qui Evangelia et Apostolorum acta continent satis esse amplam adlaborandi provinciam consociatio vestra positam putet. Perge tu igitur, Venerabilis Frater Noster, perge probatissimum Nobis opus auctoritate consilioque provehere; pergant sodales se ita operi addicere, quemadmodum addixere antea, id est, diligentia et studio summis. Omnia in Christo instaurare volentibus, nihil certe Nobis optatius quam ut id moris filii Nostri usurpent, Evangeliorum exemplaria non solum frequenti, sed quotidiana etiam lectione tenere, e quibus maxime addiscitur quo demum pacto omnia in Christo instaurari possint ac debeant. Auspicem divinorum munerum Nostraeque testem benevolentiae, Apostolicam Benedictionem tibi et sodalibus, iisque universis qui ferant consociationi opem, peramanter in Domino impertimus.

Datum Romae apud S. Petrum die XXI Ianuarii anno MCMVII, Pontificatus Nostri quarto.

Pius PP. X.

#### **A CASE OF IRREGULARITY**

#### **DECRETA SS. RR. CONGREGATIONUM.**

#### **DECRETUM**

#### **SUPER DISPENSATIONE AB IRREGULARITATE EX DEFECTU NATALIUM OB HAERESIM PARENTUM.**

*Feria IV, die 5 Decembris 1906.*

In Congregatione generali S. R. et U. Inquisitionis E<sup>m</sup>i ac R<sup>m</sup>i D<sup>ni</sup> decreverunt:

Dispensationem super irregularitate, ex defectu natalium ob

haeresim parentum semel concessam ad suscipiendam tonsuram et Ordines minores, valere etiam ad suscipiendos Ordines maiores.

Sequenti vero feria V, die 6 eiusdem mensis et anni, SS<sup>mus</sup> D. N. Pius PP. X decretum E<sup>m</sup>orum Patrum adprobavit.

PETRUS PALOMBELLI, S. R. et U. I. Notarius.

## CONFESSIONS OF TRAVELLERS AT SEA

### DECRETUM

QUO FACULTAS SACERDOTIBUS CONCEDITUR EXCIPIENDI IN NAVI  
CONFESSIONES FIDELIUM SECUM NAVIGANTIUM.

*Feria IV, die 23 Augusti 1905.*

In Congregatione generali S. R. et U. Inquisitionis E<sup>m</sup>i ac R<sup>m</sup>i D<sup>ni</sup> decreverunt :

Sacerdotes quoscumque maritimum iter arripientes, dummodo vel a proprio Ordinario, ex cuius dioecesi discedunt, vel ab Ordinario portus in quo in navim conscendunt, vel etiam ab Ordinario portus cuiuslibet intermedii, per quem in itinere transeunt, sacramentales confessiones excipiendi, quia digni, scilicet, atque idonei recogniti ad tramitem Conc. Trident. sess. XXIII, cap. XV de Ref., facultatem habeant vel obtineant ; posse toto itinere maritimo durante, sed in navi tantum, quocumque fidelium secum navigantium confessiones excipere, quamvis inter ipsum iter navis transeat, vel etiam aliquandiu consistat diversis in locis diversorum Ordinariorum iurisdictioni subiectis.

Sequenti vero feria V, die eiusdem mensis et anni, SS<sup>mus</sup> D. N. Pius PP. X decretum E<sup>m</sup>orum PP. adprobavit.

I. Can. MANCINI, S. R. et U. I. Notarius.

### DECRETUM

QUO SACERDOTIBUS NAVIGANTIBUS CONCEDITUR FACULTAS  
EXCIPIENDI IN ITINERE CONFESSIONES ETIAM FIDELIUM  
NON NAVIGANTIUM.

*Feria IV, die 12 Decembris 1906.*

In Congregatione generali S. R. et U. Inquisitionis E<sup>m</sup>i ac R<sup>m</sup>i D<sup>ni</sup> decreverunt :

Supplicandum SS<sup>mo</sup> ut concedere dignetur sacerdotes navigantes, de quibus supra, quoties, durante itinere, navis consistat, confessiones excipere posse tum fidelium qui quavis ex

causa ad navem accedant, tum eorum qui, ipsis forte in terram obiter descendentibus confiteri petant eosque valide ac licite absolvere posse etiam a casibus Ordinario loci forte reservatis, dummodo tamen—quod ad secundum casum spectat—nullus in loco vel unicus tantum sit sacerdos adprobatus et facile loci Ordinarius adiri nequeat.

Sequenti vero feria V, die 13 eiusdem mensis et anni, SS<sup>mus</sup>. D. N. Pius PP. X annuit pro gratia iuxta E<sup>m</sup>orum Patrum suffragia.

PETRUS PALOMBELLI, S. R. et U. I. Notarius.

#### USE OF THE ORGAN AT SOLEMN MASS

##### NEAPOLITANA.

##### DUBIA CIRCA ORGANI PULSATIONEM IN MISSA SOLEMNI.

Reverendissimus Abbas Sanctae Mariae Maioris, Neapolis, Sacrae Rituum Congregationi sequentia dubia pro opportuna solutione humillime exposuit, nimirum :

I. Quum organum quod in ecclesia permittitur, iuxta prae-scriptum in Motu Proprio Pii Papae X ita cantum comitari debeat ut illum sustineat, non opprimat, et fideles recte valeant verba intelligere ; in Missa solemni, *Graduale*, *Offertorium* et *Communio*, quae partes miram saepe continent analogiam ad festum quod agitur, possuntne, dum pulsantur organa, submissa voce seu tono unico sub organo recitari ? Et quatenus affirmative, estne laudabilius ut illae, organo cessante vel comitante, notis gregorianis cantentur ?

II. Item *Deo gratias* in fine Missae potestne sub organo vel debet notis gregorianis, ut in *Missa est*, cantari ?

Et Sacra Rituum Congregatio, ad relationem subscripti Secretarii, exquisita sententia Commissionis Liturgicae, reque sedulo perpensa, respondendum censuit :

Ad I. *Quoad primam partem, quando organa pulsantur, si praedicta nempe Graduale, Offertorium et Communio non cantentur, recitanda sunt voce alta et intelligibili, iuxta mentem Caeremonialis Episcoporum lib. I, cap. XXVIII, n. 7, et decretorum n. 2994 Montis Politiani 10 Ianuarii 1852 ad II, et n. 3108 S. Marci 7 Septembris 1861 ad XIV et XV.*

*Quoad secundam partem affirmative, adhibitis libris authenticis cantus gregoriani.*

Ad II. *Provisum in I.*

Atque ita rescripsit, die 8 Augusti 1906.

✠ D. PANICI, Archiep. Laodicen., Secretarius.

## NOTICES OF BOOKS

THE CHRISTIAN BROTHERS' READER SERIES. Dublin :  
M. H. Gill & Son. 1905-1907.

WE have received from Messrs. M. H. Gill and Son, the series of School Readers which the Christian Brothers have compiled and adopted for the use of their pupils from the first to the sixth form, and in addition their Irish History Reader. It is impossible to exaggerate the national importance of these little volumes. There is nothing neglected in them to stimulate the Catholic and National instincts of our youth, and to imprint on youthful minds all those things that are or should be of good report to young Irishmen. From the literary point of view, they reach a high standard, and from the Catholic and National standpoint they could not well be surpassed. It is safe to say that boys whose minds are nourished with such food will learn to love their faith and country, and esteem things that are lovely and good wherever they meet them.

*The Irish History Reader* in particular is a great success. It covers the whole ground from the earliest times down to our own, awakens an interest in everything that concerns this island, and with rare skill makes the subject attractive, relieving the attention now and again by the introduction of some of our finest national ballads and songs.

This country may well be thankful to Providence that it has its Christian Brothers. They have done great work in the past, and will do greater still in the future. Nor are their efforts confined to Ireland alone. They are now spreading their wings far and wide. It is only a few years since we had the pleasure of seeing them at work at Gibraltar, and learning how universally respected and beloved they were in one of the most heterogeneous communities in the world; and later on in Rome, where they have taken root under the shadow of St. Peter's. We congratulate them on their fine series of Readers, which have amongst other advantages the capacity for indefinite adaptation and improvement.

J. F. H.

HAVE ANGLICANS FULL CATHOLIC PRIVILEGES? By E. H. Francis. London : R. & T. Washbourne, Ltd.

THIS is a somewhat unpretentious book, and judging by its size seems inadequate to deal with the large and important

issues at stake. But though small it will be found to repay amply the careful perusal of any student.

Its aim is to show that, in the light of the evidence of the recent Ritual Commission, the principles of Catholicity are not to be found in the Anglican communion. After setting forth the Anglican claim it deals with such important doctrines as the sacrament of Penance, the Eucharist, Sacrament and Sacrifice ; and the principles of authority and obedience.

Apart from all controversial writings it has ever seemed to us that the principle of authority is the most fundamental doctrine in the Church Tract. For upon the admission of authority in the Church we can easily see that the Society established by Christ must be One ; for if It has the power of government, then It has the one external Faith, the one organized body of doctrines ; and if It has magisterial authority It can impose the same internal belief on all its members. The importance of the doctrine is enhanced, moreover, by the controversies that obtain with all non-Catholics. For, in few churches is the principle of authority admitted, and even in the Anglican Church it is so vague and liable to so many different interpretations that it is practically non-existent. This is the real crucial point between Catholics and outsiders, and we are pleased to find that such is the position taken up in the present book.

The work is both interesting and useful for the impartial way in which the author states the Anglican claim, and for the masterly and scholarly manner in which he treats that claim.

D. M.

**THE CRUCIFIX.** The Most Wonderful Book in the World.

By Rev. W. M'Loughlin, Mount Melleray Abbey.

Dublin: M. H. Gill & Son. 1907.

WE are glad to notice a fine literary-religious spirit growing in the great Abbey of Mount Melleray. This latest book is worthy of the place and all that the country is accustomed to associate with it. The Crucifix symbolizes and brings vividly before the mind everything that we have read or heard of, the sufferings and death of our Saviour, and the series of lessons which it conveys is well developed by Father M'Loughlin in this admirable little volume. In his preface the author says :—

'In many families there is a very pious and commendable practice of saying the Rosary and other prayers at night. This is preceded by a short lecture from some religious book. It

occurs to me that the present volume might sometimes find place on such occasions as the remembrance of the Crucifix, or of our Saviour's sufferings, is a great preservative against sin and a powerful incentive to virtue.'

There is no doubt that the volume is well suited for such a purpose, or for meditation in the ordinary sense, or for helpful reading on the occasion of Confession and Communion. It is suited to all classes and to all degrees of sanctity. There is nobody too advanced in the spiritual life not to profit by its study and nobody too deeply immersed in sin or worldliness not to find help and consolation in its pages.

We recommend it strongly for religious reading and we are glad that such a work has been produced in Ireland.

J. F. H.

VALEUR DES DECISIONS DOCTRINALES ET DISCIPLINAIRES  
DU SAINT SIÈGE, SYLLABUS, INDEX, SAINT OFFICE,  
GALLILÉE, par Lucien Choupin, S.J., Docteur en  
Théologie et en Droit Canonique, Professeur de Droit  
Canonique au Scolasticat d'Ore, Hastings. Paris:  
Gabriel Bauchesne et Cie, 117, Rue de Rennes. Price  
4 francs.

THIS is a very useful and practical discussion of the value and binding force of the doctrinal and disciplinary decisions of the Holy See. People are often at a loss to know how far exactly Papal Infallibility extends according to the definition of the Vatican Council, what is a definition *ex cathedra*, what sort of assent we are bound to give to the decisions of Roman Congregations. A very thorough, learned and valuable treatment of the whole question is given in this volume by a writer who is well equipped for the purpose, a sound and learned theologian and an expert canonist. His treatment of the dogmatic value of the Syllabus, for instance, shows that the author is neither a minimizer nor a zealot. He holds a judicious middle course in the midst of contending theories and gives excellent authority, intrinsic and extrinsic, for his own teaching on this delicate subject.

His treatment of ecclesiastical legislation regarding the Index and the authority of its decrees is also excellent. The history and character of the Holy Office and the importance of its decisions is also set forth with clearness and precision. Altogether an admirably sound, practical, and useful book, which we gladly recommend.

J. F. H.

**STEPPING STONES TO HEAVEN.** A Daily Memento of the Saints and Thomas à Kempis. Compiled by Evelyn L. Raymond Barker, with a preface by Mgr. Canon Johnston, D.D. London: Washbourne. New York: Benziger Bros. 1907.

THIS is a pretty and useful little book, compiled by a very intelligent and pious lady, who supplies us with thoughts for every day in the year from the sayings of the author of the *Imitation* who, though not styled a saint, is undoubtedly the father and guide of many saints. Miss Raymond Barker has selected for each succeeding day some of the most striking and helpful utterances of Thomas à Kempis, and has put into the hands of people in a hurry a little book that they may take with them to the church or elsewhere, and turn to spiritual profit, even though they are not exactly skilled in meditation. The passages quoted are made somehow to fit in with the character of the feast that is celebrated on each succeeding day. The thing is ingeniously contrived and skilfully executed. As a help to piety it is admirable, and as a means of keeping and strengthening the faith it will be found most useful. Indeed, as Mgr. Johnson suggests, each text or group of texts supplies an admirable tonic to keep the system in good working order. I like this little book and warmly recommend it.

J. F. H.

**ORGANUM COMITANS AD KYRIALE SEU ORDINARIUM MISSAE,** quod juxta Editionem Vaticanam harmonice ornavit Dr. Fr. X. Mathias, Organista Ecclesiae Cathedralis Argentinensis. Ratisbon: Fr. Pustet. 1906. 12 x 9 in. Price 4s.; bound 5s. 6d.

DR. MATHIAS made a name for himself as writer of accompaniments to Plain Chant by publishing a book of accompaniments to the chants sung at the Strassburg Gregorian Congress. He also wrote an excellent treatise on the subject (*Die Choralbegleitung*; Pustet). His style of accompanying is strictly diatonic, even avoiding the leading note in the *d* and *g* modes, a principle we fully endorse. Rhythmically he takes great care to make the changes of harmony on the notes corresponding to the strong beat of modern music. This brings about, sometimes, fairly harsh dissonances. We also dislike some of the harmonic progressions, particularly the succession minor subdominant—minor dominant. But on the whole we have no hesitation in describing the present book as a masterly production.

H. B.

THE GOLDEN SAYINGS OF THE BLESSED BROTHER GILES OF ASSISI. Translated by Rev. Father Paschal Robinson, O.F.M. Philadelphia : The Dolphin Press. Price, 4s. net.

A BOOK with a title so suggestive awakens in us hopes of good things to come. Nor are we disappointed. It consists of an able introduction written by Father P. Robinson, O.F.M., and the *dicta aurea* attributed to Blessed Giles.

We see that the Editor deals with the life of a very important member of the Community, when we find that Brother Giles was the third convert made by the founder of the Order, the intimate friend of St. Francis, and called by him 'The Knight of our Round Table.'

The short conferences to which Brother Giles treats us embrace a goodly catalogue of moral virtues. His explanation of them shows that he was a man of sound common sense, with a deep knowledge of things spiritual. It is a book that cannot fail to attract the attention of all pious readers ; for it is a work which the Bollandists do not hesitate to place at the head of ascetical writings.

The manner in which the work has been turned out reflects great credit on the publishers.

D. M.

APOLOGIA PRO VITA SUA. By Newman. Pocket Edition. London : Longmans, Green & Co. Price 2s. 6d. net.

THE book before us is a new edition of the *Apologia* by Newman, and was published last February. It is a further volume added to the Pocket Library that is being published at present by Messrs. Longmans, Green & Co. Some volumes have appeared already, and others are in the press.

Those who read and study the writings and affairs of Newman are ever interested in the efforts of publishers who bring his works in a proper form before the public ; they will only be too ready to acknowledge their obligations to the publishers in the present case. We regret that this Pocket Edition is a reprint of the later issue of Cardinal Newman's book, and omits a number of passages that were contained in the first edition. It may be that this is required out of respect for the deceased prelate, and that it is just as he would wish it ; for he was a man endowed with a mind too noble and feelings too sensitive to cause pain or injury to anyone. To students of Newman, however, these chapters carry a depth of thought and meaning as throwing light on the human side of the man who loved right and hated

wrong-doing. So far from diminishing our esteem those passages increase our respect for Newman by showing that he was a man of strong passions and of warm heart.

The volume is well printed on fine paper, compact and artistically bound, presenting all the good qualities we should wish to find in a Pocket Edition of a book which will long act the part of a faithful companion. It may be had also in leather binding, price 3s. 6d. net.

D. M.

THE OTHER MISS LISLE. By M. C. Martin. New York : Benziger Bros. Price 4s. net.

THIS is a story of two young ladies, the younger of whom is an invalid, and who has been entrusted to the care of her sister by a dying mother. 'I will be good to Sylvia, mother,' was the promise she made, and well did she fulfil it. They belong to England, but leave it for Cape Colony on account of the health of the younger. Here, at a tea party, the heroine first gets her full title, which gives the name to the story, *The Other Miss Lisle*. After various complications in the course of their affairs, and as a result of them, they return to England where the younger sister dies, all of which is told in a manner that commands the interest of the reader. The last days of Sylvia and her death-bed scene are described with much vividness and strength, and cannot fail to secure the attention and sympathy of any reader, nor the warm commendation of those who have witnessed a similar scene. The story ends up happily with the betrothal of 'The Other Miss Lisle' to the lover whom she had given up for the sake of her sister.

The novel is distinctly Catholic in tone throughout, and the contrast between some of the characters speaks well for the influence of the Catholic Church over her children. Not a few of us would be surprised to get the salutation '*Cead mile faille*' in a solicitor's office in Cape Colony, but we could not be much perplexed when we learn that the speaker bears such a distinctly Irish name as Patricia Murphy.

Sylvia is not such a confirmed invalid as to have given up all thought of the world and its fascinations, and we are inclined to agree with the words 'of the sharp-sighted daughter of Erin,' when she says, 'her finger-nails give her more concern than her soul.' She is endowed with considerable insight into the workings of the human heart, allied with brightness of manner and a certain vivacity of speech, all of which are so many instruments in the hands of the egotist. These failings are

compensated, however, to a great extent by the change her feelings and thoughts take when she is on her death-bed. 'It is better I should die, dearest. I shall never be better prepared to go than I am now; Father O'Brien has made it so easy for me to go. I do not dread death now, I am almost glad to go.'

The heroine, Christine Lisle, has a character that cannot be fully appreciated without reading the story. She is a noble example of womanly tenderness, sisterly love and self-effacement, of the self-sacrifice which makes that large crowd of unknown martyrs. We feel that the happiness she gets after so many days of trial is a reward none too great for all her sorrows.

Her future husband, Mr. Norris, is a beautiful type of a fine manly character which must be studied to be understood. We feel all the regret which Christine herself experiences when he makes that confession to her in the Rosary. 'If there is any religion at all, Miss Lisle, yours is the only one. I have studied the old faith, and it is the only one that will last. But there is something else needed beside this knowledge, is there not? There is belief, and I have not got it.' And when he does become a Catholic we know that she had a large share in bringing about that happy result. As Norris himself says, 'that she had a large share in it cannot be denied, but just what she had done in effecting this, cannot be clearly defined.'

The story is written in a bright fascinating style, and is one we like to turn to in a leisure hour. It avoids that sentimentality so common in novels of a similar kind, and while never intrusive in its piety impresses a good moral lesson on us. We feel better men and women after reading it, more ready and determined to carry the burden of life with cheerfulness and perseverance, knowing that 'true comfort . . . is to match here by a strict life God's love severe.'

D. M.

OFF TO JERUSALEM. By Marie Agnes Benziger. New York: Benziger Brothers. 1906.

THIS is a book with a smart title, inspiring, instructive, and educative. It was written with an intention which we may all admire—from the spirit of filial gratitude. The authoress tells us 'that when these papers were written, I had no idea that they would ever appear in print, and must, therefore, entreat the kindly indulgence of my readers for any shortcomings. Such a confession of itself would be sufficient to disarm all hostile criticism. But it is not at all required; for the book has but little trace of the 'shortcomings.'

It was written, not from a critical or historical standpoint,

but narrates the journey, scenes, and experiences of a pilgrimage to Jerusalem, which covers the space of three weeks. The narrative takes the form of a diary, and, like all diaries, it is intensely interesting. Throughout the work there breathes the spirit of fervent Catholicity, not to say piety. The authoress does not attempt, however, to weave any garlands of rhetoric in describing the holy places and the memories they revive, but describes in a simple picturesque fashion the scene as it lay before her, its appearance at present and its relations with the past. For this reason the narrative appeals to the reader with all the force and vividness which only an eye-witness can produce. It is outside the scope of the book to enter into any of the discussions that have arisen regarding the exact position of certain places of our Lord's Passion; and though the writer mentions at times that there was a different tradition about a particular place, she always accepts the predominant tradition that obtains at present, as the most feasible. And we feel it is better to have done so, for however much we might gain intellectually from the discussion, the vividness of the narrative would be materially weakened. Jerusalem and its streets, the Mount of Olives, Sion, Calvary, the very spots where once the Redeemer suffered, have a fascination for all of us, and their appearance to-day studded over with Churches contrasted with the days of the Jewish Theocracy, bears a deep significance.

Nor is the writer content with a mere description of the scenes, but gives us at times an insight into the domestic and social life of the Holy City and its environments.

The narrative is interspersed with a few well-chosen plates, representing the more important places and incidents of the journey. The whole book, printing and binding, is got up in a very attractive style by Benziger Brothers.

D. M.

THE OLD RIDDLE AND THE NEWEST ANSWER. By John Gerard, S.J. London: Longmans, Green & Co. Price 2s. 6d. net.

THIS is a new edition of a book familiar to most of us. Father Gerard and his efforts are too well known to need any commendation. He has devoted his attention and energies to many of the most engrossing subjects of the hour, and is known to have brought great abilities and a sympathetic attitude to that study. His writings are many and diverse, and have secured for him the gratitude and well-wishes of no small number. We find him in the present work grappling with opponents powerful and watchful, and it is for the individual

reader to pass comment on the issue. We feel certain, however, that the criticism of the thinking reader will not be at all adverse. The whole book bears ample evidence of the interest he takes in scientific problems, and his complete mastery of the views of his adversaries; whilst the additions made to this latest issue show that he is advancing pace by pace with his opponents in the regions of science. The fact that the book has already reached the third edition in this, its third year, shows beyond question that the subjects under criticism have caught hold of the people, and that his discussions of these matters are fully appreciated by the popular mind.

The aim of the work is to confute the enemies of true knowledge. Among the philosophers of science men have been found, such as Haeckel and Mallock, to make pretensions and draw conclusions about the nature and end of science, to which she makes no claim. Not only do they assume that it is the end of science to blow up the buttresses of superstition—the existence of God, free-will and the immortality of the soul—but they continually repeat that she has made all such belief impossible. Father Gerard puts before himself the task of examining these pretensions in the ‘light of the evidence furnished by science in her own regard.’ He argues that we are imperiously led by certain processes of inference from the evidence of created objects to the recognition of a First Cause Who possesses Intelligence and Freedom; on Whose nature depend for their existence, and on Whose will depend for their expression, the laws of Nature. In the course of the book he discusses such questions as the beginning of the world, the constitution and properties of matter and the laws of motion, the order of Nature as pointing to a First Cause and manifesting Its Intelligence, the origin of organisms and conscious life, and deduces from all these that the recognition of a First Cause with Reason and Free-Will is an intellectual necessity. These are but some of the questions which he discusses in detail, but they are sufficient to show the general trend of the book, and the conclusions at which it aims.

With regard to the beginning of the world, he says even if we admit the eternity of matter—and there is no clear impossibility in such an assumption—still observation and experiment show that it cannot produce all those things that have arisen within it, such as organic life, sensitive and reflex consciousness. Truly, any man of science would say that such results have never come under observation and experience; but why? Is it on account of the inability of matter or on account of the absence of the proper conditions? Is not the expert artisan unable to

produce a good table from inferior wood, not because of any want of power in himself, but owing to the absence of the required material? May not matter also be able to produce such phenomena as life, sensation and intelligence, although admittedly there is no evidence from observation and experience? Of course, if we could prove that at these stages of evolution new substantial forms came into existence, we must postulate the existence of a Supramundane Producer, but for such forms we can find no evidence. We are sorry that Father Gerard did not discuss this point more fully.

Again, in proving the existence of a Supreme Intelligence, Father Gerard relies wholly on the argument from design manifest in every movement of nature, 'not merely in the larger and more obvious operations, but in the most hidden processes and inmost constitution of nature.' Is it not a rather dangerous precedent to propose to build the whole foundation of our belief in the existence of a Supreme Intelligence on such an argument? Ordinary Catholic philosophers and theologians do not consider it even the most important among the proofs traditional in the schools. Of course it is the factors of law and order in nature that have first attracted the attention of thinking men, and which once explained make a deep impression on the mind of the uncultured. But does such an argument stand the brunt of modern criticism? Admitting the assumed premisses of science, and Father Gerard should do this when he intends to examine the results of science according to the principles of scientists, would not the world without any Supermundane Supervisor continue to exist and move and work in order quite as harmoniously as it does at present? If we admit the eternity of matter, motion, and order, with the scientists, of what force is our argument from the law and order apparent everywhere? Or, assuming for the nonce, that scientists agree with us in admitting that eternity of order involves a contradiction, or is opposed to the evidence of science, as Father Gerard says, may they not still say that order and law is due to a mind immanent in matter working without consciousness and without purpose? If this be the common ground of contention to what conclusion would the facts of law and order lead?

The pages throughout the book which Father Gerard devotes to Evolution in its different phases are extremely interesting and illuminating. We notice with pleasure that he attacks Evolution not on theological grounds as opposed to Faith, but on scientific grounds. We find no argument from the impossibility of inferior forms producing higher ones, a principle which seems opposed to the experience of the man of scientific obser-

tion. 'How vastly nobler and more precious,' says Mill, 'are the higher animals and vegetables than the soil and manure out of which and by the properties of which they spring up. The tendency of all recent speculation is towards the opinion, that the development of inferior orders of existence into superior is the general rule of nature.' The objections to Darwinism and kindred systems, according to Father Gerard, are in nowise theological but wholly scientific. And in this he is at one with Professor Huxley, who says: 'The doctrines of Evolution are neither theistic nor anti-theistic. It simply has no more to do with Theism than the First Book of Euclid.'

We have found fault with some of Father Gerard's arguments, not indeed on the ground that the opposite is true or proved to be more probable, but simply on the ground that the position of scientists is not shown to be impossible, and therefore not disproved. Yet, we find the book singularly illuminating and suggestive; in every chapter we see traces of wide research and deep study. It is valuable not merely on account of the points of information which it contains, but especially for the suggestive manner in which they are followed out. It is penetrating, clear, and readable, abounding in a multitude and variety of illustrations. We wish this edition as much success as the two previous ones.

D. M.

#### **HOLY COMMUNION, PREPARATION AND THANKSGIVING.**

By Canon Lejeune. Translated from the French at St. Joseph's Seminary, Dunwoodie. London: Burns & Oates. Price 3s. 6d.

THIS is a book which will be warmly welcomed by all classes. Those who are already acquainted with the work in the original will be pleased with the present production, for it labours under very few of the faults so commonly found in translations. While for the rest of us it brings a wealth of thought hitherto unknown and most aptly expressed.

It deals in a very thorough and exhaustive manner with all the important questions concerning the reception of Holy Communion. It is dogmatic and calculated to inspire devotion. The author tells us that 'the method of thanksgiving cannot be well understood and fruitfully applied unless we know in a certain manner the effects produced by Holy Communion. A knowledge of dogma as complete as possible is the necessary foundation of any method or practice of thanksgiving.' And this principle which he states explicitly in reference to thanks-

giving is applied with equal force and consistency all through the work.

The book consists of three parts. In the first section the author discusses in a general way the necessity for preparation and thanksgiving, and the usefulness of a definite method. In the second and third parts he goes into the details regarding the motives which we should have before our minds when making our preparation, and the effects of the Sacramental eating.

The work will be found to be eminently useful for all. The layman will reap an immense benefit from its perusal ; for while it is full of instruction and doctrine, the explanation is so simple and lucid as to be understood by the most ordinary reader. Nor will it be less useful for the priest. It contains ample food for meditation and for instruction. The doctrine and affections are so nicely combined that they produce a deep devotion in his mind for the Sacrifice of the Mass, and enable him to animate with a like devotion the members of his congregation.

The printing is good, and the binding is strong and serviceable. It can be had from Messrs. Burns and Oates, at the reasonable price of 3s. 6d.

D. M.







